

EXHIBIT B

Plaintiffs' Designation of Expert Witnesses and Physicians Not Employed as Experts

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

DANIEL LOVELACE and
HELEN LOVELACE, Individually, and as Parents of
BRETT LOVELACE, deceased,

Plaintiffs,

vs.

NO.: 2:13-cv-02289 dky
JURY TRIAL DEMANDED

PEDIATRIC ANESTHESIOLOGISTS, P.A.;
BABU RAO PAIDIPALLI ; and MARK P. CLEMONS,

Defendants.

**PLAINTIFFS' DESIGNATION OF EXPERT WITNESSES
AND PHYSICIANS NOT EMPLOYED AS EXPERTS**

COME NOW the Plaintiffs, Daniel Lovelace and Helen Lovelace, individually, and as Parent of Brett Lovelace, deceased, by and through the undersigned counsel of record, pursuant to FRCP 26(a)(2)(B), and designate the following expert witnesses and treating physicians and provided herewith, the information necessary to comply with the aforesaid Rule:

1. The following person or persons may be used at trial to present evidence under Rules 701, 702, 703 or 705 of the Federal Rules of Evidence.

(A) Frank J. Peretti, M.D.
Forensic Pathologist
Arkansas State Crime Lab
3 Natural Resources Drive
Little Rock AR 72205
Ph: (501) 683-6122

(i) Subject matter, facts and opinions, and summary of grounds: See Exhibit "A" attached hereto.

(ii) Qualifications: See Exhibit "A" attached hereto.

(B) Robert E. "Jay" Marsh, C.P.A., C.F.A., P.E., J.D.
Marsh Economic Consulting, Inc.
Six Levant Drive
Little Rock, AR 72212-2658
Ph: (501) 821-6677

(i) Subject matter, facts and opinions, and summary of grounds: See Exhibit "B" attached hereto.

(ii) Qualifications: See Exhibit "B" attached hereto.

(C) Jason D. Kennedy, M.D.
204 Old Williamsburg Court
Nashville, TN 37215
Ph: (615) 484-5316

(i) Subject matter, facts and opinions, and summary of grounds: See Exhibit "C" attached hereto.

(ii) Qualifications: See Exhibit "C" attached hereto.

2. Doctors/Physicians: The following physicians, including Defendants, and nurses, are designated who are not retained to provide expert testimony but are expected to or may be called to offer expert opinions at trial:

(A) Defendant, Mark P. Clemons, M.D.;

(B) Defendant, Babu Rao Paidipalli;

(C) Grace Freeman, CRNA, LeBonheur Staff;

(D) Nurse Kelly Kish
5261 Jon Oak Drive
Arlington, TN 38002;

(E) LeBonheur PACU Staff; and

(F) LeBonheur ICU Staff: Dr. Mark Bognitz and Nursing Staff

The *subject matter* upon which these witnesses are expected to present evidence under Fed. R. Evid. 701, 703 or 705, includes the injuries received by Brett Lovelace in the subject accident that occurred on March 14, 2012. A summary of the facts and opinions of these witnesses follows:

They treated Brett Lovelace; he suffered positional asphyxia in the PACU, following a routine tonsillectomy, and died due to the negligence of Defendants, and due to circumstances for which they have some or no explanation.

Respectfully submitted,

HALLIBURTON & LEDBETTER

/s/ Mark Ledbetter

MARK LEDBETTER AR# 74175
Attorney for Plaintiffs TN#17637
254 Court Avenue, Suite 305
Memphis, TN 38103
(901) 523-8153-phone
(901) 523-8115-fax

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been properly served upon the following counsel of record via E-Mail, this 9th day of April, 2014:

J. Kimbrough Johnson/Marcy Dodds Magee/Margaret Cooper
2900 One Commerce Square
40 S. Main Street
Memphis, TN 38103
Attorneys for Mark Clemons
901/525-8721-phone
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jjohnson@lewisthomason.com
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mcooper@lewisthomason.com

Albert G. McLean/David Cook/Jerry Potter/Brad Gilmer
The Hardison Law Firm
119 S. Main Street, Suite 800
Memphis, TN 38103
Attorneys for Babu R. Paidipalli & Pediatric Anesthesiologists, P.A.
901/525-8776 – phone
901/525-8790 – fax
amclean@hard-law.com

/s/ Mark Ledbetter

MARK LEDBETTER, Certifying Attorney

AUTOPSY REPORT

Case No: AR-17-12

Date of Examination: March 15, 2012

Name: LOVELACE, Brett

Age: 12 years

Race: White

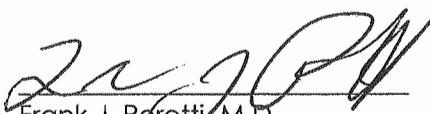
Sex: Male

CONCLUSION

CAUSE OF DEATH: Bronchopneumonia due to Anoxic Encephalopathy due to Positional Asphyxia While Under General Anesthesia for Elective Tonsillectomy and Adenoideectomy for Tonsillar and Adenoidal Hypertrophy with Upper Airway Obstruction.

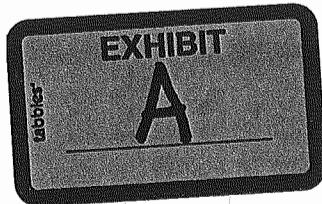
CONTRIBUTORY FACTOR: Obesity.

MANNER OF DEATH: Accident.



Frank J. Peretti, M.D.
Forensic Pathologist

8-23-12/cak



Name: LOVELACE, Brett

Case No.: AR-17-12

EXTERNAL EXAMINATION

The body was that of a well developed, well nourished, obese, white male. The body weighed 189 pounds, was 68 inches in length and appeared compatible with the stated age of 12 years. The body was cold. Rigor mortis was relenting. Lividity was present and fixed on the posterior surface of the body except in areas exposed to pressure. The scalp hair was brown. The irides appeared to be hazel. The cornea were cloudy. The sclerae and conjunctivae showed no petechial hemorrhages. The external nares and oral cavity contained dried mucoid secretions. The teeth were natural and in good condition. Upper braces were in place. Examination of the neck revealed no evidence of injury. The chest was unremarkable. No evidence of injury of the ribs or the sternum was evident externally. The abdomen was soft and obese. The external genitalia were that of a normal child. The lower extremities showed a few old scars. The ankles and feet were clean. The upper extremities showed no injuries or abnormalities. The posterior surface of the body was unremarkable.

EVIDENCE OF MEDICAL ATTENTION:

There was evidence of a recent tonsillectomy.

Intravenous lines were present in the back of the hands and in the left antecubital fossa.

Hospital identification bracelets encircled the left wrist.

A Foley catheter was in place containing no urine.

Two intravenous lines were present on the right foot.

Intravenous lines were present in the back of both right and left hands.

A catheter was present in the right groin fold.

Name: LOVELACE, Brett

Case No.: AR-17-12

EVIDENCE OF OLD INJURY:

None.

EVIDENCE OF RECENT INJURY:

A 1/2 inch blue contusion was present on the anterior surface of the right leg.

INTERNAL EXAMINATION

The subcutaneous fat layer measured up to 1 1/2 inches. No adhesions or abnormal collections of fluid were present in the body cavities. Petechiae were not present on the thoracic organs. All body organs were present in normal anatomic position and were congested. The thymus was identified and weighed 75 grams. There was no internal evidence of blunt force or penetrating injury to the thoracoabdominal region.

CARDIOVASCULAR SYSTEM:

The pericardial surfaces were smooth, glistening and unremarkable. The pericardial sac contained a few milliliters of clear serous fluid and there were no adhesions. The heart was normal in size, shape and configuration. The coronary arteries arose normally, followed the usual distribution and were widely patent. The chambers and valves exhibited the usual size-position relationship and were unremarkable. The myocardium was dark red-brown, firm and unremarkable. The atrial and ventricular septa were intact. The aorta and its major branches arose normally, followed the usual course and were widely patent. The vena cava and its major tributaries returned to the heart in the usual distribution and were free of thrombi. The heart weighed 300 grams.

RESPIRATORY SYSTEM:

The pleural surfaces were smooth and glistening. The pulmonary arteries were normally developed and patent. The upper and lower airways contained thick mucoid purulent secretions. The mucosal surfaces were hyperemic and unremarkable. The

Name: LOVELACE, Brett**Case No.:** AR-17-12

pulmonary parenchyma was not hyperinflated. The pulmonary parenchyma was grayish-purple. The lower lobe of the right lung was diffusely consolidated. The right lung weighed 775 grams; the left 525 grams.

NECK:

Examination of the soft tissues of the neck, including strap muscles, thyroid gland and large vessels, revealed no abnormalities or hemorrhage. The hyoid bone and larynx were intact. The epiglottis and vocal cords were hyperemic, but otherwise unremarkable. There was evidence of a recent tonsillectomy. The operative site showed no infection or hemorrhage.

ALIMENTARY TRACT:

The tongue, esophagus, stomach, small and large bowel, rectum and anus showed no lesions or abnormalities. The gastric mucosa was hyperemic and the lumen contained 50 ml of red mucus. The appendix was present.

LIVER AND BILIARY SYSTEM:

The hepatic parenchyma was maroonish-yellow with no focal lesions noted. The gallbladder contained 15 ml of serous/mucoid bile. The mucosa was unremarkable. The extrahepatic biliary tree was patent, without evidence of calculi. The liver weighed 2477 grams.

GENITOURINARY SYSTEM:

The cortical surfaces were red-brown and smooth. The cortex was unremarkable. The calyces, pelvis and ureters were unremarkable. The urinary bladder was contracted and empty. The mucosa was gray-tan and smooth. Prostate and testes were unremarkable. The right kidney weighed 225 grams; the left 200 grams.

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RETICULOENDOTHELIAL SYSTEM:

The spleen had a smooth, intact capsule covering red-purple, moderately firm parenchyma. The hilar lymph nodes were enlarged. The spleen weighed 350 grams.

ENDOCRINE AND EXOCRINE SYSTEMS:

The pituitary, thyroid, adrenal glands and pancreas were free of obvious disease.

MUSCULOSKELETAL SYSTEM:

Muscles were red-brown and within normal development. No bone or joint abnormalities were noted. The cervical, thoracic, and lumbar spine showed no obvious old fractures or other abnormalities.

CENTRAL NERVOUS SYSTEM:

The scalp showed no edema or hemorrhage. The calvarium and base of the skull showed no fractures. The dura and falx cerebri were intact. There was no epidural, subdural or subarachnoid hemorrhage present. The leptomeninges were clear. The cerebral hemispheres were symmetric, diffusely congested and soft. The cranial nerves were intact. The circle of Willis and related blood vessels were normal in caliber and distribution. Sections through the cerebral hemispheres, brain stem and cerebellum revealed no focal lesions. Cerebellar tonsillar herniation was present. The spinal cord was not examined. The brain weighed 1425 grams.

HISTOLOGY:

Heart: No lesions. Focal areas of interstitial hemorrhage.

Thymus and pancreas: No lesions.

Adrenals and kidneys: Congestion. No lesions.

Name: LOVELACE, Brett

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Spleen and liver: No lesions.

Brain: Changes consistent with anoxic encephalopathy.

Lungs: Sections show diffuse bronchopneumonia. Postmortem bacterial overgrowth is present. The bronchioles show thickening of the basement membrane, edema with eosinophilic infiltrate, increased of the submucosal glands and hypertrophy of the bronchial wall muscle. Similar changes are seen in the trachea.

Name: LOVELACE, Brett

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FINDINGS:

- I. Anoxic encephalopathy, clinical.
 - A. Cerebral edema, 1425 grams, with herniation.
 - B. Pneumonia.
 - C. Hilar lymphadenopathy.
- II. Status post tonsillectomy, March 12, 2012.
 - A. No evidence of hemorrhage or infection surrounding operative site.
 - B. No evidence of aspirated blood.
- III. Asthma, clinical.
 - A. No evidence of hyperinflation of lungs.
 - B. No evidence of mucus in terminal bronchi.
- IV. Obesity.

Name: LOVELACE, Brett

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OPINION:

This 12-year-old white male, Brett Lovelace, died of bronchopneumonia due to anoxic encephalopathy due to positional asphyxia while under general anesthesia for elective tonsillectomy and adenoidectomy for tonsillar and adenoidal hypertrophy with upper airway obstruction with the contributory factor of obesity. Investigation of the circumstances of death revealed that the decedent's medical history was significant for asthma. He underwent an elective tonsillectomy and adenoidectomy at La Bonheur Hospital in Memphis, Tennessee, March 12, 2012. The surgery was without complications. Reportedly, according to his parents, when they arrived in the recovery room, "Brett was on his stomach and was still under the effects of general anesthesia. He could not breathe and turned blue". He was resuscitated, intubated and subsequently developed anoxic encephalopathy and died on March 14, 2012. His death was certified as "Cardiorespiratory Failure due to Tonsillar Herniation due to Anoxic Ischemic Encephalopathy". No manner of death was assigned.

Autopsy demonstrated the decedent had an obese body habitus for a 12-year-old. The operative site showed no evidence of infection or hemorrhage. There was no evidence of aspiration of blood into the tracheobronchial tree. The lungs were not hyperinflated at the time of autopsy. The right lung showed pneumonia and thick purulent mucoid secretions were present in the air passages, however, there was no evidence of mucus plugging involving the distal terminal bronchi. The brain showed diffuse anoxic changes with edema and herniation. Microscopic examination showed diffuse bronchopneumonia, anoxic changes of the brain and asthmatic changes involving the lungs. Toxicology detected no alcohol or drugs in the body fluids.

MANNER OF DEATH: Accident.
Frank J. Peretti, M.D.
Forensic Pathologist



2265 Executive Drive, Indianapolis, IN 46241
Telephone: (800)875-3894 / Fax: (317)243-2789

Laboratory Case Number:	1924527	Subject's Name:	LOVELACE, BRETT
Client Account:	11359 / FJP01	Agency Case #:	AR017-12 ARKANSAS

Physician:

Report To: Frank J. Peretti, MD
ATTN: Frank J. Peretti, MD
4719 Sugar Maple Lane
Little Rock, AR 72212-2092
FX: 1-501-223-0504

Date of Death: Not Given
Test Reason: Other
Investigator: NOT INDICATED
Date Received: 03/20/2012
Date Reported: 03/28/2012

Laboratory Specimen No:	40274584	Date Collected:
Container(s):	01:RTB Blood,PERIPHERAL	Test(s): 70535 Drugs of Abuse Panel

Analyte Name	Result	Concentration	Units	Therapeutic Range	Loc
» Investigator:	Not Provided				
» Pathologist:	Not Provided				
» Submitting Official:	Not Provided				
AMPHETAMINES	Negative				
BARBITURATES	Negative				
BENZODIAZEPINES	Negative				
CANNABINOIDS	Negative				
COCAINE/METABOLITES	Negative				
FENTANYL	Negative				
METHADONE/METABOLITE	Negative				
OPIATES	Negative				
OXYCODONE/METABOLITE	Negative				
PHENCYCLIDINE	Negative				
PROPOXYPHENE/METABOLITE	Negative				
SALICYLATES	Negative				
ALCOHOL	Negative				
Methanol	Negative				
Ethanol	Negative				
Acetone	Negative				
Isopropanol	Negative				
ANTIDEPRESSANTS	Negative				

Specimens will be kept for one year from the date received.

LOVELACE, BRETT

Laboratory Case #: 1924527

Printed Date/Time: 03/28/2012, 15:56

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2265 Executive Drive, Indianapolis, IN 46241
Telephone: (800)875-3894 / Fax: (317)243-2789

Laboratory Specimen No: 40274584

Continued..

Analyte Name	Result	Concentration	Units	Therapeutic Range	Loc
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LOVELACE, BRETT

Laboratory Case #: 1924527

Printed Date/Time: 03/28/2012, 15:56

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2265 Executive Drive, Indianapolis, IN 46241
Telephone: (800)875-3894 / Fax: (317)243-2789

Laboratory Specimen No: 40274585
Container(s): 01:VIT_CON Vitreous,EYE

Date Collected:
Test(s): 70570 Autopsy Panel, Volatiles

Analyte Name	Result	Concentration	Units	Therapeutic Range	Loc
ALCOHOL	Negative				
Methanol	Negative				
Ethanol	Negative				
Acetone	Negative				
Isopropanol	Negative				

The Specimen identified by the Laboratory Specimen Number has been handled and analyzed in accordance with all applicable requirements.

LOVELACE, BRETT

Laboratory Case #: 1924527

Printed Date/Time: 03/28/2012, 15:56

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TENNESSEE DEPARTMENT OF HEALTH CERTIFICATE OF DEATH												STATE FILE NUMBER	
DECEDENT Brett Spencer Lovelace TIME OF DEATH: SA: AGE: Last MM: UNDER YEAR SS: UNDER DAY 16. DATE OF BIRTH (Month, Day, Year) (AM/PM) 12 MONTHS DAys Hours Minutes August 21, 1999 17. PLACE OF DEATH (Check box): In-hospital <input checked="" type="checkbox"/> ER/Outpatient <input type="checkbox"/> POA <input type="checkbox"/> Hospital facility <input type="checkbox"/> Nursing home/Long term care facility <input type="checkbox"/> Decedent's home <input type="checkbox"/> Other residence <input type="checkbox"/> Other (Specify) 18. BIRTHPLACE (City and State of Foreign Birth) Lebonheur Children's Hospital Memphis 19. COUNTY OF DEATH Shelby 20. FACILITY NAME (If not institution, give name and number) 20. CITY OR TOWN 21. KIND OF BUSINESS/INDUSTRY Lebonheur Children's Hospital Memphis School 22. MARITAL STATUS 23. SURVIVING SPOUSE (If wife, give name prior to first marriage) 24. DECEDENT'S USUAL OCCUPATION Married <input type="checkbox"/> Married, but separated <input type="checkbox"/> Widowed 25. COUNTY 26. ZIP CODE Divorced <input type="checkbox"/> Never married <input type="checkbox"/> Unknown Student Crittenden 72364 27. SOCIAL SECURITY NUMBER 134. RESIDENCE STATE OR FOREIGN COUNTRY 27. DECEDENT'S EDUCATION (Check the box that best describes the highest degree or level of school completed at the time of death) 4-30-97-8891 Arkansas 28. DECEDENT'S EDUCATION (Check the box that best describes the highest degree or level of school completed at the time of death) 8th grade or less <input checked="" type="checkbox"/> 9th - 12th grade; no diploma <input type="checkbox"/> High school graduate or GED completed <input type="checkbox"/> Some college credit, but no degree <input checked="" type="checkbox"/> Associate's degree (e.g., AA, AS) <input type="checkbox"/> Bachelor's degree (e.g., BA, AB, BS) <input type="checkbox"/> Master's degree (e.g., MA, MS, MEng, MEd, MSW, MPA) <input type="checkbox"/> Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LLD, JD) <input type="checkbox"/> Unknown 14. STREET AND NUMBER 146. INSIDE CITY LIMITS 29. DECEDENT'S RACE (Check one or more boxes to indicate what the decedent considered himself or herself to be) 14 Birch Lake Dr. Yes No White <input checked="" type="checkbox"/> 30. DECEDENT'S HISPANIC ORIGIN? (Check the box that best describes whether the decedent is Spanish/Hispanic/Latino. Check the "No" box if decedent is not Spanish/Hispanic/Latino) <input checked="" type="checkbox"/> No, not Spanish/Hispanic/Latino <input type="checkbox"/> Yes, Mexican, Mexican American, Chicano <input type="checkbox"/> Yes, Puerto Rican <input type="checkbox"/> Yes, Cuban <input type="checkbox"/> Yes, Other Spanish/Hispanic/Latino (Specify) <input type="checkbox"/> Unknown 31. DECEDENT'S RACE (Check one or more boxes to indicate what the decedent considered himself or herself to be) <input checked="" type="checkbox"/> White <input type="checkbox"/> Black or African American <input type="checkbox"/> American Indian or Alaska Native (Name of the enrolled or principal tribe) <input type="checkbox"/> Asian Indian <input type="checkbox"/> Chinese <input type="checkbox"/> Filipino <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> Guamanian or Chamorro <input type="checkbox"/> Samoan <input type="checkbox"/> Other Pacific Islander (Specify) <input type="checkbox"/> Other (Specify) <input type="checkbox"/> Unknown 32. FATHER'S NAME (First, Middle, Last) 33. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last) Daniel Lovelace Helen Marsalis 34. INFORMANT'S NAME 35. RELATIONSHIP TO DECEDENT 36. MAILING ADDRESS (Street and Number, City, State, Zip Code) Helen Lovelace Mother P.O. Box, 1084 Marion, AR 72364 37. METHOD OF DISPOSITION 38. PLACE OF DISPOSITION (Name of cemetery, crematory, other place) 39. LOCATION (City or Town and State) Burial <input checked="" type="checkbox"/> Cremation Crittenden Memorial Park Marion, AR 72364 <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify) 40. SIGNATURE OF FUNERAL DIRECTOR 41. LICENSE NUMBER 42. SIGNATURE OF EMBALMER 43. LICENSE NUMBER ► David Reeves 4320 ► Gregory Smith 2326 44. NAME AND ADDRESS OF FUNERAL HOME 45. LICENSE NUMBER OF FUNERAL HOME Roller-Citizens Funeral Home 201 N. Pine St. West Memphis, AR 72301 80 46. REGISTRAR'S SIGNATURE 47. DATE FILED (Month, Day, Year) Regina Seal, DC 07/13/2012 48. CERTIFIER (Check only one): <input checked="" type="checkbox"/> PHYSICIAN - To the best of my knowledge, death occurred at the date and place, and due to the cause(s) and manner stated. <input type="checkbox"/> MEDICAL EXAMINER - On the basis of examination, and/or investigation, in my opinion, death occurred at the date, and place, and due to the cause(s) and manner stated. 49. SIGNATURE OF CERTIFIER 50. LICENSE NUMBER 51. DATE SIGNED (Month, Day, Year) Mark C. Bugnitz 618165 07/13/2012 52. NAME AND ADDRESS 53. APPROXIMATE INTERVAL ONSET TO DEATH Mark C. Bugnitz, 50 N. Union, Memphis, TN 38103 54. PART I. Enter the chain of events (diseases, injuries, or complications) that directly caused the death. DO NOT enter terminal events such as cardio arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. Enter only one cause on a line. IMMEDIATE CAUSE 55. CAUSES OF DEATH (Final disease or condition resulting in death) 56. Underline the cause(s) listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST. a. CARDIOPULMONARY FAILURE Due to (or as a consequence of): b. TONSILLAR HERNIATION Due to (or as a consequence of): c. ANOXIC ISCHEMIC ENCEPHALOPATHY Due to (or as a consequence of): 57. PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in PART I. 58. WAS AN AUTOPSY PERFORMED? 59. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 60. MANNER OF DEATH 31. DID TOBACCO USE CONTRIBUTE TO DEATH? 32. IF FEMALE: <input type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input type="checkbox"/> No 33. IF TRANSPORTATION INJURY, SPECIFY: 34a. DATE OF INJURY (Month, Day, Year) 34b. TIME OF INJURY 34c. INJURY AT WORK 34d. PLACE OF INJURY (e.g. home, farm, street, factory, office, building, etc.) <input type="checkbox"/> Accident <input type="checkbox"/> Pending investigation <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input type="checkbox"/> No 34e. DESCRIBE HOW INJURY OCCURRED 34f. LOCATION OF INJURY (Street and Number, City or Town, State) <input type="checkbox"/> Suicide <input type="checkbox"/> Could not be determined <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify) <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Unknown <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the past year													

I hereby certify the above to be a true and correct copy of the original document on file in this department. This certified copy is valid only when printed on security paper showing the red embossed seal of the Department of Health. Alteration or erasure voids this certification.

J. Shadlock
Jereen S. Hendricks
Doris Connor
Local Registrar
Shelby County

TERESA S. HENDRICKS
STATE REGISTRAR

CERTIFICATION OF VITAL RECORD

CURRICULUM VITAE
October 2012

Frank J. Peretti, Jr., M.D.

Business Address: Arkansas State Crime Laboratory
 P.O. Box 8500
 Little Rock, Arkansas 72215

Business Phone: 501/683-6122
Office Fax: 501/221-1653

Home Fax: 501/223-0504
E-Mail Address: Frank.Peretti@crimelab.arkansas.gov

EDUCATION AND TRAINING

1988-1989	Chief Fellow in Forensic Pathology Office of the Chief Medical Examiner Baltimore, Maryland
1985-1988	Anatomic Pathology Residency Brown University Providence, Rhode Island
1987	Forensic Pathology Preceptorship Rotation Dade County Medical Examiner's Office Miami, Florida
1978-1984	University of Milan Medical School Milan, Italy, M.D., 1984
1975-1977	St. Louis University St. Louis, Missouri, B.A., 1977
1973-1975	Kansas State University, Manhattan, Kansas

MEDICAL LICENSURE

NPI# - 1639261043
ECFMG No. 354-129-9
FLEX No. 541111503
Rhode Island – 7474
Maryland – D38465 (Inactive)
Massachusetts – 74983
Arkansas – R-4341

Frank J. Peretti, Jr., M.D.
Curriculum Vitae – Continued
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SPECIALITY EXAMINATION

1990 Passed examination for special qualification in Forensic Pathology
1999 Diplomat of American Board of Forensic Medicine
2005 American Association of Medical Review Officers, Certificate No. 050220128
2010 American Association of Medical Review Officers, Recertification, March 2010

WORK EXPERIENCE

1992-Present Associate Medical Examiner
Arkansas State Crime Laboratory
Little Rock, Arkansas

Present President, Forensic Autopsy & Consulting Services, Inc.
Little Rock, Arkansas

1989-1992 Assistant Medical Examiner
Office of the Chief Medical Examiner
Baltimore, Maryland

1984-1988 Assistant Medical Examiner
Rhode Island Medical Examiner's Office
Providence, Rhode Island

1982-1984 Division of Anatomic Pathology (Intern)
University of Milan Medical School
Milan, Italy

1976-1977 Office of the Chief Medical Examiner
St. Louis, Missouri

1976-1977 Washington University Medical School
Department of Pathology
St. Louis, Missouri

1976 DePaul Hospital
Department of Pathology
St. Louis, Missouri

Frank J. Peretti, Jr., M.D.
Curriculum Vitae – Continued
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ACADEMIC & TEACHING AFFILIATIONS

Certified Law Enforcement Instructor, State of Arkansas

Instructor of Pathology, University of Arkansas for Medical Sciences, Little Rock, Arkansas

Research Associate, Department of Pathology, University of Maryland, Baltimore, Maryland

Instructor in Forensic Pathology for University of Maryland, Johns Hopkins University, Baltimore, Maryland and Armed Forces Institute of Pathology, Washington, D.C.

Residency Training Coordinator
Office of the Chief Medical Examiner
Baltimore, Maryland

RESEARCH INTERESTS

- Schizophrenia – Maryland Psychiatric Research Center – Center for Neuroscience, Co-Investigator
- Child Abuse
- Sudden Infant Death Syndrome
- Fire Related Deaths

PROFESSIONAL AND SCIENTIFIC INTERESTS

International Association for Identification, Arkansas Division,
National Association of Medical Examiners
American Academy of Forensic Sciences

PROFESSIONAL LECTURES

- 1994 Arkansas State Police Training Academy – Criminal Investigation Division – “Basic Investigation Skills”, Little Rock, Arkansas
- 1994 Little Rock Police Training Academy – “Death Investigation”, Little Rock, Arkansas
- 1993 Rogers Police and Fire Departments – “The Fire Victim”, Rogers, Arkansas

Frank J. Peretti, Jr., M.D.
Curriculum Vitae – Continued
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PROFESSIONAL LECTURES Continued

- 1992 Seminar in Homicide Investigation – “Time of Death”, Baltimore, Maryland
- 1992 Maryland Association of Surgical Assistants, “Forensic Pathology in the Operating Room”, Baltimore, Maryland
- 1992 Maryland Association of Radiologist Technicians, “Forensic Pathology”, Baltimore, Maryland
- 1991 Maryland Association of Operating Room Nurses – “Investigation of Operating Room Deaths”, Baltimore, Maryland
- 1991 Rhode Island State Fire Marshall’s Office and Rhode Island Chapter of International Association of Arson Investigations – “Medical Examiner Protocol for Fire Related Deaths”, Roger Williams College, Bristol, Rhode Island
- 1990-91 Seminar in Homicide Investigation – “The Fire Victim”, Baltimore, Maryland
- 1989 University of Maryland School of Medical Technology – “The Forensic Autopsy”, Baltimore, Maryland
- 1988 Cranston Police Department – Series of Twelve Lectures – “Medicolegal Death Scene Investigations”, Cranston, Rhode Island
- 1988 Smithfield High School – Lecturer Series – “Alcohol and Drug Abuse in Teenagers”, Smithfield, Rhode Island
- 1987 Conference to Brown University of Pathology Residents, Roger Williams General Hospital, Providence, Rhode Island
- 1986 Providence Police Academy – “Crime Scene Investigations”, Providence, Rhode Island
- 1986 First Annual Emergency Medical Technicians Conference – “The Role of the Emergency Medical Technicians in Medicolegal Scene Investigations”, Providence, Rhode Island

Frank J. Peretti, Jr., M.D.
Curriculum Vitae – Continued
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PROFESSIONAL LECTURES Continued

1986 Salve Regina College – “The Role of the Medical Examiner”.
 Newport, Rhode Island

COMMITTEE RESPONSIBILITIES

1992 University of Maryland Medical School Admission Committee

EDITORIAL RESPONSIBILITIES

1992 Former Member, Board of Editors, *The American Journal of Forensic Medicine and Pathology*

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Peretti, F.J., Isenschmid, D.S., Levine, B., Caplan, Y.H., Smialek, J.E.: “Cocaine Fatality”: An Unexplained Blood Concentration in a Fatal Overdose” Forensic Science International, 1990, 48, 135-138.

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PRELIMINARY DRAFT

**An Evaluation of Economic Losses
In the Case of
Brett Spencer Lovelace**

5/14

Marsh Economic Consulting, Inc.

Jay Marsh

Robert E. "Jay" Marsh, CPA, CFA, PE, JD
President

PRELIMINARY DRAFT



Brett Spencer Lovelace is a white male, born on August 21, 1999, who died on March 14, 2012, from alleged medical malpractice. His parents, Daniel and Helen Lovelace, and siblings, Steven, Curtis and Taylor, survive him. At the time of Brett's death, he and his family were living in West Memphis, Arkansas.

As a result of Brett's premature death, his estate will experience a loss of his earning capacity less personal maintenance. This report defines personal maintenance as living expenses that under Brett's standard of living would have been reasonably necessary to keep Brett in such a condition of health and well-being as to maintain the capacity to earn money. Food, clothing, transportation and personal care products are necessary costs of maintaining Brett in the labor force to earn the income that was lost. Both single and married deceased's shelter expenses are arguably also costs necessary to maintain the capacity to earn money. But including a married deceased's shelter expenses in personal maintenance would deny the surviving family members the money needed for continued living in the marital home. Because this is cannot be the intended result of the personal maintenance deduction and because the definition of personal maintenance does not differentiate between single and married decedents, shelter expenses are not included in personal maintenance in this report even though Brett is single.

Because the average white male participates in the labor force and is employed full-time, the mean earnings of the median white male assume 100% certainty of participation and full-time employment. On-the-other-hand, the mean earnings of all white males reflect the less than 50% possibility of not participating in the labor force, of not being employed

if participating in the labor force, and of not having a full-time job if employed. This report measures "earning capacity" based on the mean earnings of the median white male, and "expected value" based on the mean earnings of all white males.

The computation of the present cash value of the economic losses associated with Brett's death requires that certain assumptions be made. The assumptions must be reasonable and capable of being validated at the time of trial. In this report it has been assumed that:

- (1) Brett, but for his death, would have had either a high school diploma, some college but no degree, or a Bachelor's degree; (2) Brett would have entered the labor force on June 1, at either age 18.78 (high school), 19.78 (some college), or 22.78 (Bachelor's degree); (3) Brett would have continued in the labor force until retirement at age 67 or 70 (earning capacity), or alternatively continued in the labor force based on a work life probability distribution having an age expectancy value of either 56.63 (high school), 56.92 (some college) or 59.91 (Bachelor's degree) years as of March 14, 2012 (expected value); (4) Brett would have earned income consistent with either the full-time earnings of the median white male (earning capacity) or the average earnings of all white males (expected value) his same age and educational attainment; (5) Brett would have consumed some fraction of his earned income for his own personal maintenance; (6) Brett would have experienced either a 100% labor force participation rate (earning capacity) or the labor force participation rate of males his same age and education (expected value); (7) Brett would have experienced either a zero unemployment rate (earning capacity) or the unemployment rate of white males his same age (expected value); (8) Brett would have experienced the normal life expectancy to age 76.87 of a

white male his same age, and the normal survival and employment expectancy of a male his same age and education, and; (9) any financial recovery by Brett's estate will occur on or about January 20, 2015.

These nine assumptions imply particular values, probability distributions, divisions of time, and methodologies for calculating the present cash value of the economic losses resulting from Brett's death. The computation of the earning capacity present values of Brett's earnings net of personal maintenance with a high school diploma, some college but no degree, and a Bachelor's degree, are set out in Tables 1, 3 and 5, respectively. Some college, but no degree, is consistent with the educational attainment of average males in the United States, and high school and Bachelor's degree educational attainments establish a range around this average. The earnings values are based on five-year age interval statistics for full-time year-round white male workers. (The source for these statistics is the United States Department of Commerce, Census Bureau, Table PINC-04, Educational Attainment – People 18 Years Old and Over, by Total Money Earnings in 2012, Work Experience in 2012, Age, Race, white Origin and Sex.) These 2012 statistics are converted into current dollars, where inflation in 2014 and 2015 is estimated at 2013's inflation rate of 1.46% per year. (The source for inflation as measured by the change in the consumer price index is the US Department of Labor, Bureau of Labor Statistics, Consumer Price Index – All Urban Consumers, All Items, Annual Average.) Individual year values are derived from the distribution of the five-year age interval statistics using a third degree polynomial equation fitted to the statistics.

The resulting year-to-year increase excludes cost of living adjustments and is the result of individual merit, productivity and work place advancement.

The personal maintenance factor is derived from the 2012 annual costs of food (\$3,497), apparel (\$865), transportation (\$4,599), and personal care products (\$380) as a percent of before tax income (\$34,102). The costs and income are for one person consumer units. (See US Department of Labor, Bureau of Labor Statistics, *Consumer Expenditure Survey, 2012*, Table 1400.)

The survival factors are derived from the life tables for white males the same age as Brett. (See U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, *United States Life Tables, 2009*, National Vital Statistics Reports, Volume 62, Number 7.)

A net discount rate of 2.34% was applied to adjusted annual earnings in determining the present value, where that rate assumes annual cost of living earnings increases of 3.63% based on the 1953 to 2013 average annual compounded change in the all items consumer price index, and interest of 6.06% based on the 1953 to 2013 average annual compounded yield on 10 year constant maturity U.S. Treasury securities. (See the US Department of Labor, Bureau of Labor Statistics, Consumer Price Index – All Urban Consumers, All Items, Annual Average and the Economic Report of the President, March 2014, Table B-17.)

The computation of the expected present values of Brett's earnings with a high school diploma, some college but no degree, and a Bachelor's degree, are set out in Tables 2, 4 and 6, respectively. The earnings values are based on five-year age interval statistics for all white male workers, and not just those who work full-time year-round. The source for these statistics is the same as that in Table 1.

The survival and labor force participation factors for males with Brett's educational attainments are derived from work life tables. (See Skoog, Gary R., James E. Ciecka and Kurt V. Krueger, "*The Markov Process Model of Labor Force Activity: Extended Tables of Central Tendency, Shape, Percentile Points, and Bootstrap Standard Errors*", *Journal of Forensic Economics* 22(2), 2011, pp.165-229, which is an update to the U.S. Department of Labor, Bureau of Labor Statistics, *Worklife Estimates: Effects of Race and Education*, Bulletin 2254, February 1986, Table A-3.) The work lives are slightly adjusted downward to account for the fact that Brett would not have had a 100% certainty of living from age 12 to age 18.

The unemployment factors are derived from the average unemployment rates by age for white males from 1954 to 2013. (See United States Department of Labor, Bureau of Labor Statistics, *Employment and Earnings*, January 2014 and earlier years, Table 4.)

Future losses are in current dollars and defined as those that will occur between January 20, 2015, and age 67, 70, or work life expectancy. The formulas employed to calculate the present cash value of the economic loss associated with the death of Brett are

standard, and may be found in many text books that deal with the mathematics of finance, and virtually all text books that deal with the mathematics of life insurance or the actuarial sciences. The same and similar formulas also are found in United States government publications that deal with the estimation of lifetime earnings. (See, for example, United States Department of Commerce, Bureau of the Census, *Present Value of Estimated Lifetime Earnings*, Technical Paper No. 16.)

The schedule of losses in Table 7 summarizes the calculations of the present cash values of economic losses. The schedule is the maximum likelihood or best estimate of losses subject to the constraints and assumptions previously stated. To the extent that the economic loss should measure earning capacity and what Brett reasonably “could” have earned, a reliance on work life statistics, which include periods of labor force inactivity, may be inappropriate. Thus, the retirement at age 67 or 70 figures from Tables 1, 3 and 5 are a better measure of economic loss.

Table 1. Brett S. Lovelace - Present Value of High School Earnings Net Of Personal Maintenance Retirement at Age 67 or 70 - "Earning Capacity"

Beginning of Year	Fraction <u>Age</u> <u>of Year</u>	Annual Earnings <u>(Current \$)</u>	Personal Maintenance <u>Factor</u> <u>27.39%</u>	Survival <u>Factor</u>	Total Adjusted Net	2.344082%	Present Value of Net	Present Value of Net
					Earnings <u>(Current \$)</u>	Present Value <u>Factor</u>	Earnings <u>(Current \$)</u>	Present Value <u>(Current \$)</u>
15.42	0.00	\$0.00	1.000000	0.999013	\$0.00	0.977096	\$0.00	\$0.00
16.42	0.00	0.00	1.000000	0.998483	0.00	0.954717	0.00	0.00
17.42	0.00	0.00	1.000000	0.997840	0.00	0.932850	0.00	0.00
18.42	0.64	26,604.22	0.726086	0.997079	12,295.08	0.911484	11,206.77	11,206.77
19.42	1.00	28,696.34	0.726086	0.996200	20,756.84	0.890607	18,486.19	29,692.96
20.42	1.00	30,693.54	0.726086	0.995202	22,179.22	0.870209	19,300.56	48,993.52
21.42	1.00	32,597.84	0.726086	0.994093	23,529.03	0.850278	20,006.21	68,999.73
22.42	1.00	34,411.28	0.726086	0.992901	24,808.18	0.830803	20,610.72	89,610.45
23.42	1.00	36,135.87	0.726086	0.991665	26,019.08	0.811774	21,121.63	110,732.08
24.42	1.00	37,773.65	0.726086	0.990419	27,164.16	0.793182	21,546.11	132,278.19
25.42	1.00	39,326.63	0.726086	0.989177	28,245.48	0.775015	21,890.66	154,168.85
26.42	1.00	40,796.84	0.726086	0.987937	29,264.70	0.757264	22,161.09	176,329.94
27.42	1.00	42,186.31	0.726086	0.986695	30,223.36	0.739919	22,362.85	198,692.79
28.42	1.00	43,497.06	0.726086	0.985438	31,122.73	0.722972	22,500.87	221,193.66
29.42	1.00	44,731.12	0.726086	0.984151	31,963.89	0.706413	22,579.72	243,773.39
30.42	1.00	45,890.51	0.726086	0.982826	32,748.24	0.690234	22,603.94	266,377.33
31.42	1.00	46,977.27	0.726086	0.981461	33,477.21	0.674425	22,577.86	288,955.19
32.42	1.00	47,993.40	0.726086	0.980049	34,152.14	0.658978	22,505.50	311,460.69
33.42	1.00	48,940.95	0.726086	0.978590	34,774.54	0.643885	22,390.79	333,851.49
34.42	1.00	49,821.93	0.726086	0.977080	35,345.89	0.629137	22,237.41	356,088.90
35.42	1.00	50,638.38	0.726086	0.975510	35,867.39	0.614727	22,048.67	378,137.57
36.42	1.00	51,392.30	0.726086	0.973866	36,340.05	0.600648	21,827.57	399,965.13
37.42	1.00	52,085.74	0.726086	0.972132	36,764.84	0.586891	21,576.93	421,542.07
38.42	1.00	52,720.72	0.726086	0.970297	37,142.76	0.573448	21,299.46	442,841.52
39.42	1.00	53,299.26	0.726086	0.968338	37,474.57	0.560314	20,997.53	463,839.06
40.42	1.00	53,823.38	0.726086	0.966239	37,761.03	0.547481	20,673.44	484,512.50
41.42	1.00	54,295.12	0.726086	0.963975	38,002.72	0.534941	20,329.23	504,841.73
42.42	1.00	54,716.50	0.726086	0.961511	38,199.79	0.522689	19,966.61	524,808.34
43.42	1.00	55,089.54	0.726086	0.958814	38,352.35	0.510717	19,587.21	544,395.55
44.42	1.00	55,416.27	0.726086	0.955863	38,461.04	0.499020	19,192.83	563,588.38
45.42	1.00	55,698.71	0.726086	0.952650	38,527.13	0.487590	18,785.46	582,373.85
46.42	1.00	55,938.89	0.726086	0.949168	38,551.84	0.476423	18,366.97	600,740.82
47.42	1.00	56,138.84	0.726086	0.945392	38,535.75	0.465511	17,938.81	618,679.63
48.42	1.00	56,300.57	0.726086	0.941287	38,478.96	0.454849	17,502.11	636,181.73
49.42	1.00	56,426.13	0.726086	0.936813	38,381.46	0.444431	17,057.91	653,239.64
50.42	1.00	56,517.52	0.726086	0.931941	38,243.70	0.434252	16,607.39	669,847.03
51.42	1.00	56,576.78	0.726086	0.926664	38,067.02	0.424306	16,152.05	685,999.09
52.42	1.00	56,605.94	0.726086	0.920989	37,853.37	0.414587	15,693.53	701,692.62
53.42	1.00	56,607.01	0.726086	0.914927	37,604.93	0.405092	15,233.44	716,926.06
54.42	1.00	56,582.02	0.726086	0.908481	37,323.51	0.395814	14,773.15	731,699.21
55.42	1.00	56,533.00	0.726086	0.901631	37,009.99	0.386748	14,313.53	746,012.74
56.42	1.00	56,461.97	0.726086	0.894342	36,664.71	0.377890	13,855.22	759,867.96
57.42	1.00	56,370.96	0.726086	0.886586	36,288.14	0.369235	13,398.84	773,266.80

Table 1 (continued). Brett S. Lovelace - Present Value of High School Earnings Net Of Personal Maintenance Retirement at Age 67 or 70 - "Earning Capacity"

Beginning of Year	Fraction of Year	Annual Earnings (Current \$)	Personal Maintenance			Total Adjusted	2.344082%	Present Value of Net	Cumulative Present Value of Net
			Factor 27.39%	Survival Factor	Earnings (Current \$)				
58.42	1.00	56,262.00	0.726086	0.878338	35,881.05	0.360778	12,945.08	786,211.88	
59.42	1.00	56,137.11	0.726086	0.869573	35,444.13	0.352514	12,494.57	798,706.45	
60.42	1.00	55,998.31	0.726086	0.860266	34,978.07	0.344440	12,047.86	810,754.31	
61.42	1.00	55,847.63	0.726086	0.850386	34,483.34	0.336551	11,605.42	822,359.73	
62.42	1.00	55,687.10	0.726086	0.839883	33,959.55	0.328843	11,167.36	833,527.09	
63.42	1.00	55,518.73	0.726086	0.828686	33,405.49	0.321311	10,733.56	844,260.65	
64.42	1.00	55,344.57	0.726086	0.816700	32,819.02	0.313952	10,303.60	854,564.25	
65.42	1.00	55,166.63	0.726086	0.803818	32,197.53	0.306761	9,876.95	864,441.20	
66.42	0.58	54,986.93	0.726086	0.789962	18,405.22	0.299735	5,516.69	869,957.89	
66.42	1.00	54,986.93	0.726086	0.789962	31,539.44	0.299735	9,453.48	873,894.68	
67.42	1.00	54,807.50	0.726086	0.775116	30,845.72	0.292870	9,033.79	882,928.47	
68.42	1.00	54,630.38	0.726086	0.759309	30,119.06	0.286162	8,618.94	891,547.41	
69.42	0.58	<u>54,554.18</u>	0.726086	0.742556	17,164.56	0.279608	4,799.35	896,346.76	
70.42			0.724810						
71.42			0.705986						
72.42			0.685971						
73.42			0.664654						
74.42			0.642014						
75.42			0.618101						
76.42			0.592894						
77.42			0.566298						
78.42			0.538284						
79.42			0.508914						
80.42			0.478294						
81.42			0.446567						
82.42			0.413889						
83.42			0.380430						
84.42			0.346302						
85.42			0.311685						
86.42			0.277016						
87.42			0.242849						
88.42			0.209728						
89.42			0.178184						
90.42			0.148710						
91.42			0.121736						
92.42			0.097599						
93.42			0.076517						
94.42			0.058576						
95.42			0.043718						
96.42			0.031766						
97.42			0.022441						
98.42			0.015394						

Table 1 (continued). Brett S. Lovelace - Present Value of High School Earnings Net Of Personal Maintenance Retirement at Age 67 or 70 - "Earning Capacity"

Beginning of Year	Age	Fraction of Year	Annual Earnings (Current \$)	Personal Maintenance		Total Adjusted Net Earnings (Current \$)	2.344082% Present Value Factor	Present Value of Net Earnings (Current \$)	Cumulative Present Value of Net Earnings (Current \$)
				Factor	Survival Factor				
	99.42				0.010223				
	100.42				0.006537				
	101.42				0.004015				
	102.42				0.002371				
	103.42				0.001344				
	104.42				0.000730				
	105.42				0.000379				
	106.42				0.000188				
	107.42				0.000088				
	108.42				0.000040				
	109.42				0.000016				
	110.42				<u>0.000005</u>				
Avg 18 to 69			50,158.68						
Sum					61.453568				
Age at Death					12.562842				
Additional Years of LE									
Age 12.56 to 15.42					2.852688				
Age 15.42 to 110.00					<u>61.453568</u>				
Total					64.306256				
Life Expectancy at Death					76.869098				

Table 2. Brett S. Lovelace - Present Value of High School Earnings Net Of Personal Maintenance
Worklife - "Expected Value"

Beginning of Year	Fraction of Year	Annual Earnings (Current \$)	Survival					2.414008%	Present Value of Net Earnings (Current \$)	Cumulative Present Value of Net Earnings (Current \$)			
			Personal Maintenance		and Labor Force		Adjusted Net						
			Factor	27.39%	Factor	Factor							
15.42	0.00	\$0.00	1.000000	0.999013	0.000000	\$0.00	0.976429	\$0.00	\$0.00	\$0.00			
16.42	0.00	0.00	1.000000	0.998483	0.822000	0.00	0.953413	0.00	0.00	0.00			
17.42	0.00	0.00	1.000000	0.877963	0.822000	0.00	0.930940	0.00	0.00	0.00			
18.42	0.64	18,716.42	0.726086	0.765378	0.858000	5,696.88	0.908997	5,178.45	5,178.45				
19.42	1.00	20,805.47	0.726086	0.733125	0.858000	9,502.35	0.887571	8,434.01	13,612.47				
20.42	1.00	22,833.86	0.726086	0.727600	0.911000	10,989.51	0.866650	9,524.06	23,136.53				
21.42	1.00	24,800.83	0.726086	0.745812	0.911000	12,234.95	0.846222	10,353.49	33,490.02				
22.42	1.00	26,705.63	0.726086	0.771022	0.911000	13,619.98	0.826276	11,253.86	44,743.88				
23.42	1.00	28,547.51	0.726086	0.803886	0.911000	15,179.92	0.806800	12,247.15	56,991.03				
24.42	1.00	30,325.74	0.726086	0.826603	0.911000	16,581.16	0.787783	13,062.35	70,053.38				
25.42	1.00	32,039.54	0.726086	0.831519	0.953000	18,434.85	0.769214	14,180.34	84,233.72				
26.42	1.00	33,688.18	0.726086	0.839628	0.953000	19,572.47	0.751083	14,700.54	98,934.27				
27.42	1.00	35,270.91	0.726086	0.846764	0.953000	20,666.20	0.733379	15,156.15	114,090.41				
28.42	1.00	36,786.97	0.726086	0.851426	0.953000	21,673.16	0.716092	15,519.98	129,610.39				
29.42	1.00	38,235.62	0.726086	0.854933	0.953000	22,619.43	0.699213	15,815.80	145,426.20				
30.42	1.00	39,616.11	0.726086	0.859115	0.953000	23,550.74	0.682732	16,078.84	161,505.04				
31.42	1.00	40,927.68	0.726086	0.857881	0.953000	24,295.46	0.666639	16,196.31	177,701.35				
32.42	1.00	42,169.59	0.726086	0.862441	0.953000	25,165.75	0.650926	16,381.04	194,082.39				
33.42	1.00	43,341.09	0.726086	0.869516	0.953000	26,077.07	0.635583	16,574.13	210,656.52				
34.42	1.00	44,441.42	0.726086	0.874300	0.953000	26,886.21	0.620601	16,685.62	227,342.14				
35.42	1.00	45,469.85	0.726086	0.872993	0.964000	27,784.30	0.605973	16,836.54	244,178.68				
36.42	1.00	46,425.61	0.726086	0.868400	0.964000	28,219.06	0.591690	16,696.93	260,875.61				
37.42	1.00	47,307.95	0.726086	0.862359	0.964000	28,555.36	0.577743	16,497.66	277,373.27				
38.42	1.00	48,116.14	0.726086	0.852671	0.964000	28,716.91	0.564125	16,199.92	293,573.19				
39.42	1.00	48,849.42	0.726086	0.847240	0.964000	28,968.86	0.550828	15,956.85	309,530.04				
40.42	1.00	49,507.04	0.726086	0.836984	0.964000	29,003.42	0.537844	15,599.33	325,129.37				
41.42	1.00	50,088.24	0.726086	0.823447	0.964000	28,869.32	0.525167	15,161.21	340,290.58				
42.42	1.00	50,592.29	0.726086	0.808825	0.964000	28,642.07	0.512788	14,687.31	354,977.89				
43.42	1.00	51,018.42	0.726086	0.799777	0.964000	28,560.20	0.500701	14,300.12	369,278.01				
44.42	1.00	51,365.90	0.726086	0.798524	0.964000	28,709.66	0.488899	14,036.12	383,314.13				
45.42	1.00	51,633.97	0.726086	0.797914	0.965000	28,867.37	0.477375	13,780.56	397,094.69				
46.42	1.00	51,821.87	0.726086	0.792368	0.965000	28,771.05	0.466123	13,410.85	410,505.54				
47.42	1.00	51,928.87	0.726086	0.786930	0.965000	28,632.58	0.455136	13,031.71	423,537.25				
48.42	1.00	51,954.22	0.726086	0.776049	0.965000	28,250.45	0.444408	12,554.72	436,091.97				
49.42	1.00	51,897.15	0.726086	0.766052	0.965000	27,855.90	0.433933	12,087.58	448,179.55				
50.42	1.00	51,756.92	0.726086	0.758351	0.965000	27,501.39	0.423704	11,652.46	459,832.01				
51.42	1.00	51,532.79	0.726086	0.737938	0.965000	26,645.23	0.413717	11,023.59	470,855.60				
52.42	1.00	51,224.00	0.726086	0.716665	0.965000	25,722.04	0.403965	10,390.82	481,246.42				
53.42	1.00	50,829.81	0.726086	0.697541	0.965000	24,842.99	0.394444	9,799.16	491,045.57				
54.42	1.00	50,349.46	0.726086	0.679366	0.965000	23,967.03	0.385146	9,230.81	500,276.38				
55.42	1.00	49,782.20	0.726086	0.660202	0.962000	22,956.94	0.376068	8,633.37	508,909.75				
56.42	1.00	49,127.28	0.726086	0.641580	0.962000	22,015.92	0.367203	8,084.32	516,994.07				
57.42	1.00	48,383.96	0.726086	0.609193	0.962000	20,588.25	0.358548	7,381.88	524,375.95				
58.42	1.00	47,551.49	0.726086	0.565541	0.962000	18,784.16	0.350097	6,576.27	530,952.22				
59.42	1.00	46,629.10	0.726086	0.519883	0.962000	16,932.69	0.341845	5,788.35	536,740.57				
60.42	1.00	45,616.07	0.726086	0.467295	0.962000	14,889.23	0.333787	4,969.83	541,710.40				
61.42	1.00	44,511.63	0.726086	0.407253	0.962000	12,661.97	0.325919	4,126.78	545,837.18				
62.42	1.00	43,315.03	0.726086	0.352358	0.962000	10,660.70	0.318237	3,392.63	549,229.81				
63.42	1.00	42,025.54	0.726086	0.302190	0.962000	8,870.67	0.310736	2,756.43	551,986.24				
64.42	1.00	40,642.38	0.726086	0.262737	0.962000	7,458.72	0.303411	2,263.06	554,249.30				

Table 2 (continued). Brett S. Lovelace - Present Value of High School Earnings Net Of Personal Maintenance Worklife - "Expected Value"

Beginning of Year	Fraction	Annual Earnings	Survival and Labor Force				Adjusted Net Earnings (Current \$)	Total Present Value Factor	Present Value of Net Earnings (Current \$)	Cumulative Present Value of Net Earnings (Current \$)
			Personal Maintenance	Factor	Participation	Employment				
			Age of Year	(Current \$)	27.39%	Factor	Factor			
65.42	1.00	39,164.83	0.726086	0.239024	0.964000	6,552.45	0.296260	1,941.23	556,190.53	
66.42	1.00	37,592.12	0.726086	0.221118	0.964000	5,818.17	0.289276	1,683.06	557,873.59	
67.42	1.00	35,923.51	0.726086	0.203912	0.964000	5,127.27	0.282458	1,448.24	559,321.83	
68.42	1.00	34,158.24	0.726086	0.197633	0.964000	4,725.19	0.275800	1,303.21	560,625.03	
69.42	1.00	33,355.99	0.726086	0.183891	0.964000	4,293.39	0.269299	1,156.21	561,781.24	
70.42	1.00	33,355.99	0.726086	0.162544	0.964000	3,794.98	0.262952	997.90	562,779.14	
71.42	1.00	33,355.99	0.726086	0.149986	0.964000	3,501.79	0.256753	899.10	563,678.23	
72.42	1.00	33,355.99	0.726086	0.164743	0.964000	3,846.33	0.250702	964.28	564,642.51	
73.42	1.00	33,355.99	0.726086	0.193193	0.964000	4,510.57	0.244792	1,104.15	565,746.67	
74.42	1.00	33,355.99	0.726086	0.878294	0.964000	20,505.92	0.239022	4,901.37	570,648.03	
75.42	1.00	33,355.99	0.726086	0.893285	0.964000	20,855.92	0.233388	4,867.53	575,515.56	
76.42	1.00	33,355.99	0.726086	0.243230	0.964000	5,678.80	0.227887	1,294.13	576,809.69	
77.42	1.00	33,355.99	0.726086	0.019725	0.964000	460.53	0.222515	102.47	576,912.16	
Avg 18 to 69		42,321.19								
Sum					41.215611					
Age at Death						12.562842				
Additional Years of WLE										
Age 12.56 to 15.42						2.852688				
Age 15.42 to 77.42						41.215611				
Total						44.068299				
Worklife Expectancy at Death						56.631141				

Table 3. Brett S. Lovelace - Present Value of Some College Earnings Net Of Personal Maintenance Retirement at Age 67 or 70 - "Earning Capacity"

Beginning of Year	Fraction of Year	Annual Earnings <u>(Current \$)</u>	Personal Maintenance Factor <u>27.39%</u>	Survival Factor	Total Adjusted Net Earnings <u>(Current \$)</u>	2.344082% Present Value	Present Value of Net Earnings <u>(Current \$)</u>	Cumulative	
								Present Value of Net Earnings	
								<u>(Current \$)</u>	<u>(Current \$)</u>
15.42	0.00	\$0.00	1.000000	0.999013	\$0.00	0.977096	\$0.00		\$0.00
16.42	0.00	0.00	1.000000	0.998483	0.00	0.954717	0.00		0.00
17.42	0.00	0.00	1.000000	0.997840	0.00	0.932850	0.00		0.00
18.42	0.00	25,354.71	0.726086	0.997079	0.00	0.911484	0.00		0.00
19.42	0.64	27,719.78	0.726086	0.996200	12,799.33	0.890607	11,399.18		11,399.18
20.42	1.00	30,028.23	0.726086	0.995202	21,698.47	0.870209	18,882.21		30,281.39
21.42	1.00	32,279.68	0.726086	0.994093	23,299.38	0.850278	19,810.95		50,092.34
22.42	1.00	34,473.73	0.726086	0.992901	24,853.21	0.830803	20,648.12		70,740.46
23.42	1.00	36,609.99	0.726086	0.991665	26,360.46	0.811774	21,398.75		92,139.21
24.42	1.00	38,688.07	0.726086	0.990419	27,821.75	0.793182	22,067.70		114,206.91
25.42	1.00	40,707.56	0.726086	0.989177	29,237.30	0.775015	22,659.34		136,866.25
26.42	1.00	42,668.09	0.726086	0.987937	30,607.00	0.757264	23,177.57		160,043.82
27.42	1.00	44,569.25	0.726086	0.986695	31,930.56	0.739919	23,626.04		183,669.86
28.42	1.00	46,410.65	0.726086	0.985438	33,207.44	0.722972	24,008.06		207,677.92
29.42	1.00	48,191.91	0.726086	0.984151	34,436.90	0.706413	24,326.69		232,004.61
30.42	1.00	49,912.61	0.726086	0.982826	35,618.48	0.690234	24,585.08		256,589.69
31.42	1.00	51,572.38	0.726086	0.981461	36,751.81	0.674425	24,786.33		281,376.02
32.42	1.00	53,170.82	0.726086	0.980049	37,836.39	0.658978	24,933.34		306,309.36
33.42	1.00	54,707.54	0.726086	0.978590	38,871.94	0.643885	25,029.04		331,338.41
34.42	1.00	56,182.13	0.726086	0.977080	39,858.10	0.629137	25,076.21		356,414.61
35.42	1.00	57,594.22	0.726086	0.975510	40,794.25	0.614727	25,077.34		381,491.96
36.42	1.00	58,943.40	0.726086	0.973866	41,679.51	0.600648	25,034.70		406,526.66
37.42	1.00	60,229.28	0.726086	0.972132	42,512.97	0.586891	24,950.46		431,477.12
38.42	1.00	61,451.48	0.726086	0.970297	43,293.74	0.573448	24,826.73		456,303.85
39.42	1.00	62,609.58	0.726086	0.968338	44,020.64	0.560314	24,665.39		480,969.24
40.42	1.00	63,703.21	0.726086	0.966239	44,692.45	0.547481	24,468.26		505,437.50
41.42	1.00	64,731.97	0.726086	0.963975	45,307.78	0.534941	24,237.00		529,674.50
42.42	1.00	65,695.47	0.726086	0.961511	45,864.65	0.522689	23,972.95		553,647.45
43.42	1.00	66,593.30	0.726086	0.958814	46,361.06	0.510717	23,677.40		577,324.86
44.42	1.00	67,425.09	0.726086	0.955863	46,795.64	0.499020	23,351.96		600,676.82
45.42	1.00	68,190.43	0.726086	0.952650	47,167.73	0.487590	22,998.54		623,675.35
46.42	1.00	68,888.93	0.726086	0.949168	47,476.72	0.476423	22,618.99		646,294.34
47.42	1.00	69,520.21	0.726086	0.945392	47,721.21	0.465511	22,214.74		668,509.08
48.42	1.00	70,083.86	0.726086	0.941287	47,899.23	0.454849	21,786.91		690,295.99
49.42	1.00	70,579.49	0.726086	0.936813	48,008.68	0.444431	21,336.54		711,632.53
50.42	1.00	71,006.70	0.726086	0.931941	48,048.09	0.434252	20,864.96		732,497.49
51.42	1.00	71,365.12	0.726086	0.926664	48,017.18	0.424306	20,373.96		752,871.45
52.42	1.00	71,654.34	0.726086	0.920989	47,916.50	0.414587	19,865.57		772,737.03
53.42	1.00	71,873.96	0.726086	0.914927	47,747.01	0.405092	19,341.92		792,078.94
54.42	1.00	72,023.61	0.726086	0.908481	47,509.33	0.395814	18,804.83		810,883.78
55.42	1.00	72,102.87	0.726086	0.901631	47,202.99	0.386748	18,255.65		829,139.43
56.42	1.00	72,111.36	0.726086	0.894342	46,826.95	0.377890	17,695.43		846,834.86
57.42	1.00	72,048.69	0.726086	0.886586	46,380.49	0.369235	17,125.28		863,960.14

Table 3 (continued). Brett S. Lovelace - Present Value of Some College Earnings Net Of Personal Maintenance Retirement at Age 67 or 70 - "Earning Capacity"

Beginning of Year	Fraction <u>Age</u>	Annual Earnings <u>(Current \$)</u>	Personal Maintenance			Total Adjusted Net	2.344082% Present Value	Present Value of Net Earnings <u>(Current \$)</u>	Cumulative Present Value of Net Earnings <u>(Current \$)</u>
			Factor <u>27.39%</u>	Survival <u>Factor</u>	Earnings <u>(Current \$)</u>				
58.42	1.00	71,914.46	0.726086	0.878338	45,863.40	0.360778	16,546.49	880,506.63	
59.42	1.00	71,708.28	0.726086	0.869573	45,275.53	0.352514	15,960.28	896,466.91	
60.42	1.00	71,429.76	0.726086	0.860266	44,616.97	0.344440	15,367.89	911,834.80	
61.42	1.00	71,078.50	0.726086	0.850386	43,887.70	0.336551	14,770.47	926,605.27	
62.42	1.00	70,654.10	0.726086	0.839883	43,086.85	0.328843	14,168.81	940,774.08	
63.42	1.00	70,156.19	0.726086	0.828686	42,212.81	0.321311	13,563.45	954,337.53	
64.42	1.00	69,584.35	0.726086	0.816700	41,263.14	0.313952	12,954.64	967,292.18	
65.42	1.00	68,938.21	0.726086	0.803818	40,235.19	0.306761	12,342.60	979,634.78	
66.42	0.58	68,217.36	0.726086	0.789962	22,833.70	0.299735	6,844.07	986,478.84	
66.42	1.00	68,217.36	0.726086	0.789962	39,128.15	0.299735	11,728.09	991,362.86	
67.42	1.00	67,421.41	0.726086	0.775116	37,944.84	0.292870	11,112.91	1,002,475.77	
68.42	1.00	66,549.97	0.726086	0.759309	36,690.62	0.286162	10,499.47	1,012,975.24	
69.42	0.58	66,145.20	0.726086	0.742556	20,811.48	0.279608	5,819.06	1,018,794.30	
Avg 18 to 69		59,566.76							

Table 4. Brett S. Lovelace - Present Value of Some College Earnings Net Of Personal Maintenance Worklife - "Expected Value"

Beginning of Year	Age	Fraction of Year	Survival						Present Value of Net Earnings (Current \$)	Cumulative Present Value of Net Earnings (Current \$)		
			Personal Maintenance		and Labor Force		Total					
			Annual Earnings (Current \$)	Factor 27.39%	Participation Factor	Employment Factor	Adjusted Net Earnings (Current \$)	2.344082% Present Value				
15.42	0.00	0.00	\$0.00	1.000000	0.999013	0.000000	\$0.00	0.977096	\$0.00	\$0.00		
16.42	0.00	0.00	0.00	1.000000	0.998483	0.822000	0.00	0.954717	0.00	0.00		
17.42	0.00	0.00	1.000000	0.997840	0.822000	0.822000	0.00	0.932850	0.00	0.00		
18.42	0.00	10,613.78	0.726086	0.665623	0.858000	0.858000	0.00	0.911484	0.00	0.00		
19.42	0.64	13,069.57	0.726086	0.676507	0.858000	3,516.19	0.890607	3,131.54	3,131.54			
20.42	1.00	15,503.09	0.726086	0.682356	0.911000	6,997.39	0.870209	6,089.19	9,220.74			
21.42	1.00	17,912.06	0.726086	0.715412	0.911000	8,476.35	0.850278	7,207.25	16,427.99			
22.42	1.00	20,294.13	0.726086	0.745639	0.911000	10,009.35	0.830803	8,315.80	24,743.79			
23.42	1.00	22,646.91	0.726086	0.770572	0.911000	11,543.27	0.811774	9,370.54	34,114.32			
24.42	1.00	24,967.94	0.726086	0.802483	0.911000	13,253.35	0.793182	10,512.31	44,626.63			
25.42	1.00	27,254.74	0.726086	0.839327	0.953000	15,829.04	0.775015	12,267.74	56,894.37			
26.42	1.00	29,504.74	0.726086	0.862576	0.953000	17,610.45	0.757264	13,335.76	70,230.13			
27.42	1.00	31,715.33	0.726086	0.872428	0.953000	19,146.08	0.739919	14,166.56	84,396.69			
28.42	1.00	33,883.86	0.726086	0.876165	0.953000	20,542.81	0.722972	14,851.88	99,248.57			
29.42	1.00	36,007.59	0.726086	0.885216	0.953000	22,055.88	0.706413	15,580.57	114,829.14			
30.42	1.00	38,083.76	0.726086	0.892939	0.953000	23,531.15	0.690234	16,241.99	131,071.13			
31.42	1.00	40,109.53	0.726086	0.897831	0.953000	24,918.60	0.674425	16,805.72	147,876.86			
32.42	1.00	42,082.01	0.726086	0.891788	0.953000	25,968.04	0.658978	17,112.36	164,989.22			
33.42	1.00	43,998.24	0.726086	0.886910	0.953000	27,002.00	0.643885	17,386.17	182,375.39			
34.42	1.00	45,855.20	0.726086	0.893601	0.953000	28,353.93	0.629137	17,838.51	200,213.90			
35.42	1.00	47,649.83	0.726086	0.892874	0.964000	29,779.45	0.614727	18,306.25	218,520.15			
36.42	1.00	49,378.98	0.726086	0.888233	0.964000	30,699.73	0.600648	18,439.72	236,959.87			
37.42	1.00	51,039.45	0.726086	0.886804	0.964000	31,680.99	0.586891	18,593.27	255,553.14			
38.42	1.00	52,627.98	0.726086	0.876811	0.964000	32,298.92	0.573448	18,521.76	274,074.91			
39.42	1.00	54,141.24	0.726086	0.872157	0.964000	33,051.26	0.560314	18,519.09	292,594.00			
40.42	1.00	55,575.82	0.726086	0.865593	0.964000	33,671.69	0.547481	18,434.60	311,028.60			
41.42	1.00	56,928.28	0.726086	0.852558	0.964000	33,971.70	0.534941	18,172.87	329,201.47			
42.42	1.00	58,195.07	0.726086	0.837803	0.964000	34,126.64	0.522689	17,837.62	347,039.09			
43.42	1.00	59,372.60	0.726086	0.824010	0.964000	34,243.96	0.510717	17,488.99	364,528.08			
44.42	1.00	60,457.19	0.726086	0.813683	0.964000	34,432.51	0.499020	17,182.51	381,710.59			
45.42	1.00	61,445.11	0.726086	0.808022	0.965000	34,787.75	0.487590	16,962.18	398,672.77			
46.42	1.00	62,332.55	0.726086	0.801789	0.965000	35,017.96	0.476423	16,683.35	415,356.12			
47.42	1.00	63,115.61	0.726086	0.782704	0.965000	34,613.84	0.465511	16,113.12	431,469.23			
48.42	1.00	63,790.34	0.726086	0.763497	0.965000	34,125.42	0.454849	15,521.91	446,991.14			
49.42	1.00	64,352.71	0.726086	0.751600	0.965000	33,889.82	0.444431	15,061.68	462,052.82			
50.42	1.00	64,798.60	0.726086	0.731510	0.965000	33,212.48	0.434252	14,422.58	476,475.40			
51.42	1.00	65,123.83	0.726086	0.711233	0.965000	32,453.96	0.424306	13,770.40	490,245.80			
52.42	1.00	65,324.14	0.726086	0.688728	0.965000	31,523.68	0.414587	13,069.32	503,315.12			
53.42	1.00	65,395.17	0.726086	0.658502	0.965000	30,172.97	0.405092	12,222.82	515,537.94			
54.42	1.00	65,332.50	0.726086	0.635640	0.965000	29,097.51	0.395814	11,517.19	527,055.13			
55.42	1.00	65,131.63	0.726086	0.620947	0.962000	28,249.43	0.386748	10,925.40	537,980.53			
56.42	1.00	64,787.97	0.726086	0.602904	0.962000	27,283.85	0.377890	10,310.29	548,290.82			
57.42	1.00	64,296.84	0.726086	0.576330	0.962000	25,883.56	0.369235	9,557.11	557,847.92			
58.42	1.00	63,653.48	0.726086	0.545096	0.962000	24,235.89	0.360778	8,743.77	566,591.69			
59.42	1.00	62,853.06	0.726086	0.513425	0.962000	22,540.67	0.352514	7,945.91	574,537.60			
60.42	1.00	61,890.64	0.726086	0.481869	0.962000	20,831.36	0.344440	7,175.16	581,712.77			
61.42	1.00	60,761.21	0.726086	0.438505	0.962000	18,610.76	0.336551	6,263.48	587,976.25			
62.42	1.00	59,459.64	0.726086	0.388570	0.962000	16,138.18	0.328843	5,306.93	593,283.18			
63.42	1.00	57,980.75	0.726086	0.353937	0.962000	14,334.19	0.321311	4,605.74	597,888.91			
64.42	1.00	56,319.24	0.726086	0.339666	0.962000	13,362.01	0.313952	4,195.03	602,083.94			

Table 4 (continued). Brett S. Lovelace - Present Value of Some College Earnings Net Of Personal Maintenance Worklife - "Expected Value"

Beginning of Year	Fraction of Year	Annual Earnings <u>(Current \$)</u>	Personal Maintenance Factor <u>27.39%</u>	Survival and Labor Force			Adjusted Net Earnings <u>(Current \$)</u>	Total Present Value Factor <u>2.344082%</u>	Present Value of Net Earnings <u>(Current \$)</u>	Cumulative Present Value of Net Earnings <u>(Current \$)</u>
				Participation	Employment	Factor				
65.42	1.00	54,469.72	0.726086	0.322947	0.964000	12,312.67	0.306761	3,777.05	3,777.05	605,860.99
66.42	1.00	52,426.71	0.726086	0.292706	0.964000	10,741.12	0.299735	3,219.49	3,219.49	609,080.48
67.42	1.00	50,184.64	0.726086	0.257896	0.964000	9,059.02	0.292870	2,653.12	2,653.12	611,733.60
68.42	1.00	47,737.83	0.726086	0.244894	0.964000	8,182.89	0.286162	2,341.64	2,341.64	614,075.24
69.42	1.00	46,602.41	0.726086	0.248527	0.964000	8,106.75	0.279608	2,266.71	2,266.71	616,341.95
70.42	1.00	46,602.41	0.726086	0.226930	0.964000	7,402.27	0.273204	2,022.33	2,022.33	618,364.27
71.42	1.00	46,602.41	0.726086	0.193155	0.964000	6,300.57	0.266946	1,681.92	1,681.92	620,046.19
72.42	1.00	46,602.41	0.726086	0.177254	0.964000	5,781.90	0.260832	1,508.11	1,508.11	621,554.30
73.42	1.00	46,602.41	0.726086	0.156989	0.964000	5,120.87	0.254858	1,305.10	1,305.10	622,859.39
74.42	1.00	46,602.41	0.726086	0.716804	0.964000	23,381.60	0.249021	5,822.51	5,822.51	628,681.90
75.42	1.00	46,602.41	0.726086	0.766318	0.964000	24,996.72	0.243317	6,082.14	6,082.14	634,764.04
76.42	1.00	46,602.41	0.726086	0.226016	0.964000	7,372.46	0.237744	1,752.76	1,752.76	636,516.80
77.42	1.00	46,602.41	0.726086	0.019725	0.964000	643.41	0.232299	149.46	149.46	636,666.26
Avg 18 to 69		49,008.37								
Sum				41.507870						
Age at Death					12.562842					
Additional Years of WLE										
Age 12.56 to 15.42					2.852688					
Age 15.42 to 77.42					41.507870					
Total					44.360558					
Worklife Expectancy at Death					56.923400					

Table 5. Brett S. Lovelace - Present Value of Bachelor Degree Earnings Net Of Personal Maintenance Retirement at Age 67 or 70 - "Earning Capacity"

Beginning of Year	Fraction <u>Age</u>	Annual <u>Earnings</u>	Personal Maintenance <u>Factor</u>	Survival <u>Factor</u>	Total Adjusted Net Earnings <u>(Current \$)</u>	2.344082% Present Value	Present Value of Net Earnings <u>(Current \$)</u>		Cumulative Present Value of Net Earnings <u>(Current \$)</u>
							Present Value of Net Earnings	Present Value of Net Earnings	
							Present Value of Net Earnings	Present Value of Net Earnings	
15.42	0.00	\$0.00	1.000000	0.999013	\$0.00	0.977096	\$0.00	\$0.00	\$0.00
16.42	0.00	0.00	1.000000	0.998483	0.00	0.954717	0.00	0.00	0.00
17.42	0.00	0.00	1.000000	0.997840	0.00	0.932850	0.00	0.00	0.00
18.42	0.00	37,988.02	0.726086	0.997079	0.00	0.911484	0.00	0.00	0.00
19.42	0.00	41,912.30	0.726086	0.996200	0.00	0.890607	0.00	0.00	0.00
20.42	0.00	45,663.56	0.726086	0.995202	0.00	0.870209	0.00	0.00	0.00
21.42	0.00	49,245.65	0.726086	0.994093	0.00	0.850278	0.00	0.00	0.00
22.42	0.64	52,662.39	0.726086	0.992901	24,235.82	0.830803	20,135.19	20,135.19	
23.42	1.00	55,917.64	0.726086	0.991665	40,262.64	0.811774	32,684.19	52,819.38	
24.42	1.00	59,015.24	0.726086	0.990419	42,439.63	0.793182	33,662.33	86,481.72	
25.42	1.00	61,959.01	0.726086	0.989177	44,500.69	0.775015	34,488.69	120,970.40	
26.42	1.00	64,752.81	0.726086	0.987937	46,448.98	0.757264	35,174.13	156,144.53	
27.42	1.00	67,400.47	0.726086	0.986695	48,287.43	0.739919	35,728.81	191,873.34	
28.42	1.00	69,905.84	0.726086	0.985438	50,018.56	0.722972	36,162.04	228,035.38	
29.42	1.00	72,272.75	0.726086	0.984151	51,644.55	0.706413	36,482.40	264,517.78	
30.42	1.00	74,505.04	0.726086	0.982826	53,168.05	0.690234	36,698.38	301,216.16	
31.42	1.00	76,606.56	0.726086	0.981461	54,591.81	0.674425	36,818.07	338,034.23	
32.42	1.00	78,581.14	0.726086	0.980049	55,918.39	0.658978	36,848.98	374,883.21	
33.42	1.00	80,432.62	0.726086	0.978590	57,150.66	0.643885	36,798.43	411,681.64	
34.42	1.00	82,164.85	0.726086	0.977080	58,291.39	0.629137	36,673.28	448,354.92	
35.42	1.00	83,781.67	0.726086	0.975510	59,342.94	0.614727	36,479.73	484,834.65	
36.42	1.00	85,286.91	0.726086	0.973866	60,307.29	0.600648	36,223.44	521,058.08	
37.42	1.00	86,684.41	0.726086	0.972132	61,186.38	0.586891	35,909.71	556,967.79	
38.42	1.00	87,978.02	0.726086	0.970297	61,982.20	0.573448	35,543.60	592,511.38	
39.42	1.00	89,171.58	0.726086	0.968338	62,696.31	0.560314	35,129.63	627,641.02	
40.42	1.00	90,268.92	0.726086	0.966239	63,330.24	0.547481	34,672.09	662,313.10	
41.42	1.00	91,273.88	0.726086	0.963975	63,885.23	0.534941	34,174.85	696,487.95	
42.42	1.00	92,190.32	0.726086	0.961511	64,361.78	0.522689	33,641.20	730,129.15	
43.42	1.00	93,022.06	0.726086	0.958814	64,760.29	0.510717	33,074.21	763,203.36	
44.42	1.00	93,772.94	0.726086	0.955863	65,082.07	0.499020	32,477.25	795,680.61	
45.42	1.00	94,446.81	0.726086	0.952650	65,329.43	0.487590	31,854.01	827,534.62	
46.42	1.00	95,047.51	0.726086	0.949168	65,504.63	0.476423	31,207.89	858,742.52	
47.42	1.00	95,578.88	0.726086	0.945392	65,608.83	0.465511	30,541.62	889,284.14	
48.42	1.00	96,044.75	0.726086	0.941287	65,642.36	0.454849	29,857.34	919,141.48	
49.42	1.00	96,448.97	0.726086	0.936813	65,605.29	0.444431	29,157.02	948,298.50	
50.42	1.00	96,795.37	0.726086	0.931941	65,498.50	0.434252	28,442.83	976,741.33	
51.42	1.00	97,087.81	0.726086	0.926664	65,324.39	0.424306	27,717.51	1,004,458.84	
52.42	1.00	97,330.11	0.726086	0.920989	65,086.33	0.414587	26,983.97	1,031,442.81	
53.42	1.00	97,526.12	0.726086	0.914927	64,788.14	0.405092	26,245.14	1,057,687.95	
54.42	1.00	97,679.68	0.726086	0.908481	64,432.98	0.395814	25,503.44	1,083,191.39	
55.42	1.00	97,794.62	0.726086	0.901631	64,022.39	0.386748	24,760.52	1,107,951.91	
56.42	1.00	97,874.80	0.726086	0.894342	63,556.95	0.377890	24,017.52	1,131,969.44	
57.42	1.00	97,924.04	0.726086	0.886586	63,037.44	0.369235	23,275.61	1,155,245.04	

Table 5 (continued). Brett S. Lovelace - Present Value of Bachelor Degree Earnings Net Of Personal Maintenance Retirement at Age 67 or 70 - "Earning Capacity"

Table 6. Brett S. Lovelace - Present Value of Bachelor Degree Earnings Net Of Personal Maintenance Worklife - "Expected Value"

Beginning of Year	Age of Year	Fraction	Survival						Present Value of Net Earnings (Current \$)	Cumulative Present Value of Net Earnings (Current \$)	
			Annual Earnings (Current \$)	Personal Maintenance	and Labor Force		Total Adjusted Net	2.344082%	Present Value of Net Earnings (Current \$)		
					Participation	Employment					
15.42	0.00	\$0.00	1,000,000	0.999013	0.000000		\$0.00	0.977096	\$0.00	\$0.00	
16.42	0.00	0.00	1,000,000	0.998483	0.822000		0.00	0.954717	0.00	0.00	
17.42	0.00	0.00	1,000,000	0.997840	0.822000		0.00	0.932850	0.00	0.00	
18.42	0.00	26,833.01	0.726086	0.997079	0.858000		0.00	0.911484	0.00	0.00	
19.42	0.00	31,017.98	0.726086	0.795424	0.858000		0.00	0.890607	0.00	0.00	
20.42	0.00	35,068.11	0.726086	0.682727	0.911000		0.00	0.870209	0.00	0.00	
21.42	0.00	38,983.18	0.726086	0.764136	0.911000		0.00	0.850278	0.00	0.00	
22.42	0.64	42,762.96	0.726086	0.797192	0.911000	14,394.62	0.830803	11,959.09	11,959.09		
23.42	1.00	46,407.23	0.726086	0.815416	0.911000	25,030.63	0.811774	20,319.23	32,278.32		
24.42	1.00	49,915.74	0.726086	0.853702	0.911000	28,187.10	0.793182	22,357.49	54,635.81		
25.42	1.00	53,288.29	0.726086	0.886935	0.953000	32,704.29	0.775015	25,346.31	79,982.12		
26.42	1.00	56,524.63	0.726086	0.905570	0.953000	35,419.39	0.757264	26,821.82	106,803.94		
27.42	1.00	59,624.54	0.726086	0.914700	0.953000	37,738.52	0.739919	27,923.47	134,727.41		
28.42	1.00	62,587.79	0.726086	0.927845	0.953000	40,183.38	0.722972	29,051.47	163,778.88		
29.42	1.00	65,414.15	0.726086	0.941096	0.953000	42,597.75	0.706413	30,091.63	193,870.51		
30.42	1.00	68,103.40	0.726086	0.945535	0.953000	44,558.18	0.690234	30,755.57	224,626.07		
31.42	1.00	70,655.30	0.726086	0.945045	0.953000	46,203.90	0.674425	31,161.05	255,787.13		
32.42	1.00	73,069.63	0.726086	0.943912	0.953000	47,725.43	0.658978	31,450.00	287,237.12		
33.42	1.00	75,346.16	0.726086	0.942573	0.953000	49,142.51	0.643885	31,642.11	318,879.23		
34.42	1.00	77,484.66	0.726086	0.946008	0.953000	50,721.48	0.629137	31,910.76	350,789.99		
35.42	1.00	79,484.90	0.726086	0.944618	0.964000	52,554.07	0.614727	32,306.43	383,096.42		
36.42	1.00	81,346.66	0.726086	0.935297	0.964000	53,254.29	0.600648	31,987.07	415,083.49		
37.42	1.00	83,069.70	0.726086	0.929451	0.964000	54,042.39	0.586891	31,716.97	446,800.45		
38.42	1.00	84,653.79	0.726086	0.932836	0.964000	55,273.54	0.573448	31,696.52	478,496.98		
39.42	1.00	86,098.72	0.726086	0.927498	0.964000	55,895.25	0.560314	31,318.90	509,815.88		
40.42	1.00	87,404.25	0.726086	0.918873	0.964000	56,215.14	0.547481	30,776.71	540,592.59		
41.42	1.00	88,570.15	0.726086	0.917433	0.964000	56,875.72	0.534941	30,425.17	571,017.76		
42.42	1.00	89,596.20	0.726086	0.912913	0.964000	57,251.17	0.522689	29,924.56	600,942.32		
43.42	1.00	90,482.16	0.726086	0.908651	0.964000	57,547.39	0.510717	29,390.45	630,332.77		
44.42	1.00	91,227.81	0.726086	0.907724	0.964000	57,962.39	0.499020	28,924.39	659,257.16		
45.42	1.00	91,832.91	0.726086	0.897619	0.965000	57,757.21	0.487590	28,161.87	687,419.03		
46.42	1.00	92,297.25	0.726086	0.887594	0.965000	57,400.90	0.476423	27,347.10	714,766.13		
47.42	1.00	92,620.59	0.726086	0.880328	0.965000	57,130.49	0.465511	26,594.86	741,360.98		
48.42	1.00	92,802.71	0.726086	0.865329	0.965000	56,267.49	0.454849	25,593.20	766,954.18		
49.42	1.00	92,843.37	0.726086	0.845309	0.965000	54,989.80	0.444431	24,439.17	791,393.35		
50.42	1.00	92,742.34	0.726086	0.824217	0.965000	53,559.37	0.434252	23,258.25	814,651.60		
51.42	1.00	92,499.41	0.726086	0.802414	0.965000	52,005.99	0.424306	22,066.43	836,718.03		
52.42	1.00	92,114.34	0.726086	0.775474	0.965000	50,050.69	0.414587	20,750.38	857,468.42		
53.42	1.00	91,586.90	0.726086	0.752481	0.965000	48,288.59	0.405092	19,561.31	877,029.72		
54.42	1.00	90,916.86	0.726086	0.728103	0.965000	46,382.38	0.395814	18,358.77	895,388.49		
55.42	1.00	90,104.00	0.726086	0.705138	0.962000	44,379.43	0.386748	17,163.65	912,552.14		
56.42	1.00	89,148.09	0.726086	0.676199	0.962000	42,106.55	0.377890	15,911.64	928,463.78		
57.42	1.00	88,048.90	0.726086	0.640378	0.962000	39,384.35	0.369235	14,542.07	943,005.84		
58.42	1.00	86,806.20	0.726086	0.602696	0.962000	36,543.71	0.360778	13,184.16	956,190.00		
59.42	1.00	85,419.76	0.726086	0.561798	0.962000	33,519.86	0.352514	11,816.24	968,006.24		
60.42	1.00	83,889.35	0.726086	0.524707	0.962000	30,745.91	0.344440	10,590.14	978,596.38		
61.42	1.00	82,214.75	0.726086	0.475700	0.962000	27,317.86	0.336551	9,193.87	987,790.24		
62.42	1.00	80,395.73	0.726086	0.416922	0.962000	23,412.69	0.328843	7,699.10	995,489.34		
63.42	1.00	78,432.06	0.726086	0.361367	0.962000	19,797.30	0.321311	6,361.10	1,001,850.44		
64.42	1.00	76,323.51	0.726086	0.308133	0.962000	16,427.08	0.313952	5,157.32	1,007,007.76		

Table 6 (continued). Brett S. Lovelace - Present Value of Bachelor Degree Earnings Net Of Personal Maintenance Worklife - "Expected Value"

Beginning of Year	Fraction of Year	Annual Earnings <u>(Current \$)</u>	Personal Maintenance Factor	Survival and Labor Force			Total Adjusted Net	2.344082% Present Value	Present Value of Net Earnings <u>(Current \$)</u>	Cumulative Present Value of Net Earnings <u>(Current \$)</u>
				Participation	Employment	Earnings <u>(Current \$)</u>				
65.42	1.00	74,069.85	0.726086	0.260622	0.964000	13,511.93	0.306761	4,144.94	4,144.94	1,011,152.69
66.42	1.00	71,670.85	0.726086	0.233307	0.964000	11,704.04	0.299735	3,508.11	3,508.11	1,014,660.80
67.42	1.00	69,126.30	0.726086	0.217538	0.964000	10,525.54	0.292870	3,082.62	3,082.62	1,017,743.42
68.42	1.00	66,435.94	0.726086	0.196800	0.964000	9,151.51	0.286162	2,618.82	2,618.82	1,020,362.24
69.42	1.00	65,213.98	0.726086	0.183356	0.964000	8,369.55	0.279608	2,340.19	2,340.19	1,022,702.43
70.42	1.00	65,213.98	0.726086	0.179885	0.964000	8,211.08	0.273204	2,243.30	2,243.30	1,024,945.73
71.42	1.00	65,213.98	0.726086	0.167837	0.964000	7,661.15	0.266946	2,045.12	2,045.12	1,026,990.84
72.42	1.00	65,213.98	0.726086	0.156785	0.964000	7,156.65	0.260832	1,866.68	1,866.68	1,028,857.53
73.42	1.00	65,213.98	0.726086	0.154092	0.964000	7,033.75	0.254858	1,792.61	1,792.61	1,030,650.14
74.42	1.00	65,213.98	0.726086	0.836288	0.964000	38,173.51	0.249021	9,506.00	9,506.00	1,040,156.14
75.42	1.00	65,213.98	0.726086	0.875229	0.964000	39,951.03	0.243317	9,720.78	9,720.78	1,049,876.92
76.42	1.00	65,213.98	0.726086	0.241181	0.964000	11,009.03	0.237744	2,617.34	2,617.34	1,052,494.26
77.42	1.00	<u>65,213.98</u>	0.726086	<u>0.019725</u>	0.964000	900.37	0.232299	209.16	209.16	1,052,703.41
Avg 18 to 69		75,088.02								
Sum					44.490080					
Age at Death						12.562842				
Additional Years of WLE										
Age 12.56 to 15.42						2.852688				
Age 15.42 to 77.42						<u>44.490080</u>				
Total						47.342768				
Worklife Expectancy at Death						59.905610				

Table 7. Brett S. Lovelace - Summary of Present Values Net of Personal Maintenance

	High School		Some College		Bachelor's Degree	
	Retirement at Age 67 or 70 Earning Capacity	Worklife Expected Value	Retirement at Age 67 or 70 Earning Capacity	Worklife Expected Value	Retirement at Age 67 or 70 Earning Capacity	Worklife Expected Value
Net Earnings						
Age 16 to 67	\$869,957.89		\$986,478.84		\$1,324,988.94	
Age 67 to 70	<u>26,388.86</u>		<u>32,315.46</u>		<u>47,033.26</u>	
Total	\$896,346.76	\$576,912.16	\$1,018,794.30	\$636,666.26	\$1,372,022.20	\$1,052,703.41

Robert E. "Jay" Marsh, C.P.A., C.F.A., P.E., J.D.
6 Levant Drive
Little Rock, Arkansas 72212-2658
Telephone: (501) 821-6677; Facsimile: (501) 821-6678

Date of Birth: April 16, 1949

Education:

BSEE/BSMA, Norwich University, Northfield, Vermont, 1971
MBA, University of Pennsylvania, Philadelphia, Pennsylvania, 1973
JD, University of Arkansas at Little Rock, Little Rock, Arkansas, 1982
University of Arkansas at Fayetteville, Arkansas, 1989, doctoral courses in economics,
finance and statistics.

Professional Registrations:

Professional Engineer (Electrical Engineering)
Certified Public Accountant
General Securities Principal (formerly)
Chartered Financial Analyst
Attorney at Law

Executive Experience:

Environmental Systems Company, Little Rock, Arkansas	
11/81 - 04/89	Board of Directors
01/87 - 04/89	Vice President Business Development
08/82 - 08/85	President, ENSCO, Inc., Chief Operating Officer
03/81 - 08/85	Secretary, Treasurer, Chief Financial Officer
Univest Inc., Little Rock, Arkansas	
08/85 - 01/87	President, Chief Executive Officer
Waste Technologies, Inc., (Subsidiary of Stephens), Little Rock, Arkansas	
01/80 - 03/81	Vice President Finance, Chief Financial Officer
Arkansas Power & Light, (Subsidiary of Entergy), Little Rock, Arkansas	
06/77 - 10/79	Director Treasury & Accounting, Chief Financial Officer
Massey Ferguson Limited, Toronto, Ontario	
08/75 - 06/77	Manager Financial Planning - Europe
IU International, Philadelphia, Pennsylvania	
05/72 - 08/75	Senior Planning Associate

Expert Economist Experience:

Attorney's Economic Consultants, Little Rock, Arkansas	
08/90 - 03/92	Principal
Marsh Economic Consulting, Inc., Little Rock, Arkansas	
03/92 - Present	President

Prepare economic evaluations. Qualified as an expert witness in economic matters in state or federal courts in Arkansas, Texas, New Jersey, New York, Oklahoma, Missouri, Kansas and Illinois. Testified in numerous cases.

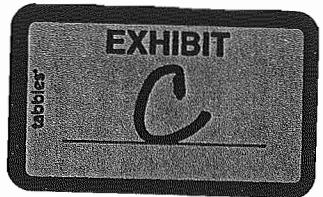
Expert Witness Report

DANIEL LOVELACE and HELEN LOVELACE, Individually, and as Parents of BRETT LOVELACE, Deceased, vs. PEDIATRIC ANESTHESIOLOGISTS, P.A.; BABU RAO PAIDIPALLI; and MARK P. CLEMONS

* * * *

Prepared by: Jason D. Kennedy, M.D.

**Prepared for: Mark Ledbetter
Halliburton and Ledbetter**



I, Jason D. Kennedy, M.D., declare and state as follows:

I am over the age of 18 and have personal knowledge of the facts stated in this report.

I graduated from the University of Alabama School of Medicine in June 2003. I completed an internship at Carraway Methodist Medical Center in Birmingham, Alabama; a residency in anesthesiology from the University of Alabama at Birmingham Medical Center, Birmingham, Alabama from July 2004 through June 2007; a fellowship in Critical Care Anesthesiology from Emory University Medical Center, Atlanta, Georgia; and, a fellowship in cardio-thoracic Anesthesiology from Emory University Medical Center, Atlanta, GA. I have been a licensed medical doctor in the state of Tennessee with a specialty in Anesthesiology since June 8, 2010, and my Tennessee medical license number is 46094. My qualifications are set forth in my c.v. attached hereto.

I am currently an Assistant Professor of Clinical Anesthesiology at Vanderbilt University in Nashville, Tennessee, and have been in this position from July 2010 to present. Prior to my current position, I was an Instructor in Anesthesiology, Department of Anesthesiology, University of Alabama Birmingham-UAB (Birmingham, AL).

I have reviewed the medical records of Brett Lovelace for the hospitalization of March 12, 2012 through March 14, 2012 from LeBonheur Children's Medical Center. I have also reviewed the following:

- (a) Depositions of the parties;
- (b) Discovery;
- (c) Photographs of Brett Lovelace at LeBonheur; and
- (d) Pleadings.

I am familiar with the applicable standards of care and issues in this case specifically regarding anesthesiology treatment and care, medical, surgical and post-surgical/PACU care, in and for the Memphis area and hospital where the incident occurred,¹ and my opinions are set forth as follows:

¹ I belong to the American Society of Anesthesiologists [ASA] and the Society of Cardiovascular Anesthesiology [SCA], both organizations with physicians practicing in Memphis, Knoxville, Chattanooga, and surrounding areas; I attend meeting[s] of the ASA and SCA where physicians, including anesthesiologists from Memphis, Nashville, Knoxville, Chattanooga and surrounding areas attend; that I have been to Memphis three or four times; that I am familiar with and have worked surgical cases with ENT physicians as well and am familiar with their standard of care in the surgical context as respects the continued need to protect the patient's airway and ventilation and with the safety practices which were not followed in this case, viz., safe positioning, airway patency, supplemental oxygen needed post-surgery and in the PACU; that the communities of Nashville, where I practice, and Memphis are of comparable size; the medical communities adhere to similar practices and rules; there are more than 15 hospitals in Nashville and Memphis; each city has a hospital reported to be among the 100 largest hospitals in

1. I have reviewed the medical records of Brett Lovelace which were provided to the attorney for the Lovelace family for the dates of hospitalization in March of 2012 from LeBonheur Children's Medical Center.

2. Defendants failed to follow the proper standard of care in that they failed to appropriately ensure that Brett was appropriately and safely monitored and assessed in the PACU. There are no records of them assessing the patient in the recovery room until after the initiation of the code, a period of about an hour. Both physicians agreed that such monitoring and assessment was necessary, but neither assured nor verified that proper positioning, proper supplemental oxygen or proper monitoring occurred or was provided.² Anesthesiologist supervision was needed until the patient, Brett Lovelace, was awake and maintaining his own airway.

3. Defendants failed to follow the proper standard of care in that they failed to appropriately ensure that Brett had fully emerged from and recovered appropriately from the anesthetic prior to the removal of the endotracheal tube. Brett's documented tidal volumes prior to extubation were a mere 145-180 cc's, this is a very small tidal volume for an 81 kg child. This, combined with documented hypercarbia, makes it unlikely that he was ventilating adequately at the time of extubation. Brett's high end tidal CO₂ level of 56 torr, as recorded on the anesthetic record, support the assertion that appropriate assessment and attention would have prevented his subsequent hypoxemia and acidosis.

4. The Defendants failed to follow standards of care in that they failed to ensure adequate ventilatory support in a patient who was obese, with sleep apnea. Brett's initial arterial blood gas (ABG) is recorded as a pH of 6.70, a partial pressure of CO₂ of 96/, a partial pressure of oxygen of PaO₂ 502/ HC03 of 12. This ABG was performed after at least 10 minutes of positive pressure ventilation, since per the code note, he was reintubated at 1204 and the first blood gas is reported to be at 1218. Therefore, the initial CO₂ was likely much higher. There is a sample that is reported to be a venous sample that has a pH of 6.59, a CO₂ of >130. This is an incredible amount of hypercarbia resulting likely a prolonged period of hypoventilation as consistent with a patient who was extubated in a non-fully awakened state (deep extubation) and without appropriate insurance that he was maintaining adequate respiratory rate and tidal volumes. This was a clear breach of the standard of care in any patient who had undergone a general anesthetic, and especially true in an obese child with sleep-deprived breathing who undergoes tonsillectomy.

5. Defendants failed to follow the proper standard of care in that they failed to appropriately ensure that Brett had adequate oxygen supplementation in the post-anesthesia care

America, e.g., BMH, Memphis, and VUMC, Nashville; and I have attended CME with Memphis anesthesiologists, e.g., New Horizons in Anesthesiology, and studied and learned the same principles and methods, as well as in medical school.

² See Clinical Practice Guideline: Tonsillectomy in Children, Baugh, et. al., Otolaryngology - Head and Neck Surgery 2011 144: S1; Guidelines for Patient Care in Anesthesiology, American Society of Anesthesiologists, October 29, 2011, Section I - III, including post-anesthetic care.

unit (PACU). Defendants failed to reaffirm airway patency and adequacy of breathing. Defendants should have continued delivery of oxygen by mask to Brett Lovelace until his recovery was complete. Further, Defendants failed to maintain airway patency with simple airway maneuvers or oro-nasopharyngeal airway until the patient was fully awake. Neither Defendant could explain these lapses, but both agreed that such steps were required and standard.

6. Defendants failed to follow the proper standard of care in that they failed to appropriately ensure that Brett was appropriately monitored in the post anesthesia care unit. A patient in the prone or knee-chest position is difficult to monitor and ensure adequate oxygenation. Dr. Paidipalli did not attend the patient in the PACU, reportedly and admittedly; and Dr. Clemons did nothing to correct Brett Lovelace's position when he saw him prone and on his face without oxygen support. Placing Brett Lovelace in a left lateral or semi-prone ("tonsil position"), slight head-down position, with a pillow under the chest to allow secretions and blood to drain, was necessary, as well known, but not done, here, which was a failure to follow the pertinent standard of care.³

7. The ENT surgeon failed to follow standards of care in that he failed to appropriately care for and recognize that Brett was not fully awakened from anesthesia. He also failed to appropriately intervene by his lack of any personal action in the care of Brett or by not calling for an appropriate trained anesthesiologist to ensure that Brett was oxygenating and ventilating appropriately. An ENT surgeon routinely cares for such patients and should have known to intervene at the time he saw Brett in the PACU.

8. The ENT surgeon failed to follow standards of care in that he failed to intervene in Brett's poor positioning for a patient who was at high risk of respiratory compromise. By documentation, he saw Brett in the PACU in the knee-chest prone position prior to his arrest, and did not act appropriately to correct the situation.

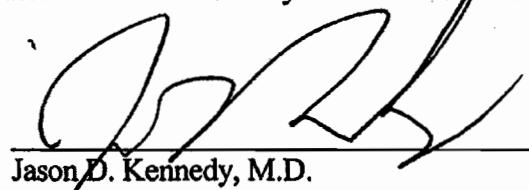
9. Neither physician appropriately followed up on the possibility of the most likely anesthetic complication and cause of death in patients undergoing T & A – bleeding or loss of airway. Neither arranged for adequate follow-up and evaluation by themselves, a CRNA or the nursing staff. The suggestion that clinical judgment is appropriate for post-anesthetic care in this case is analogous to the judgment that a pilot uses when operating an airplane; however, the judgment of a physician is also based upon instruments similar to those that provide objective information and data to a pilot. For example, in a storm, a pilot must disregard his physical senses and use the instruments to appropriately fly the airplane. By analogy, the anesthesiologist, like the pilot, has to have an objective sense of the standard physiology variables in order to "land the plane" or bring the patient safely out of anesthesia. In this case, clinical judgment is not a proper substitute for failure to pay attention to the details and condition of the patient, and to use customary and accepted safeguards.

10. Neither physician adequately observed the patient in the PACU so as to be able to exercise any judgment whatsoever. The patient was abandoned. It does not appear that either physician advised the PACU nursing staff of the risks of this particular patient. The

³ Guidelines, Difficult Airway Society Guidelines For the Management of Tracheal Extubation,, Anesthesia 2012, 67, 318-340, Table 3.

anesthesiologist did not ensure that there was an adequate transfer of care information nor remain with the patient as long as medically necessary nor ensure that the patient was discharged from the PACU unit in accordance with proper anesthesiology policies. The ENT surgeon did no better. See fn. 2, Guidelines for Patient Care in Anesthesiology, supra, at III, E, 1-6.

The foregoing opinions are rendered to a reasonable degree of medical certainty; it is further my opinion that the lack of attention and supervision, and failure to follow the appropriate standard of care, directly caused and contributed to the death of 12-year old Brett Lovelace.



Handwritten signature of Jason D. Kennedy, M.D. in black ink, featuring stylized, flowing letters.

Jason D. Kennedy, M.D.

Curriculum Vitae

Name: Jason D. Kennedy
Work Email: jason.d.kennedy@Vanderbilt.Edu

Education

08/1999 - 06/2003 M.D. in Medicine from University of Alabama School of Medicine, Birmingham, AL

Training

1992 - 1999 B.A. from UAB, Birmingham Alabama
07/2003 - 06/2004 Internship from Carraway Methodist Medical Center, Birmingham, AL
07/2004 - 06/2007 Residency in Anesthesiology from University of Alabama at Birmingham Medical Center, Birmingham, AL
07/2008 - 07/2009 Fellowship in Critical Care Anesthesiology from Emory University Medical Center, Atlanta, GA
07/2009 - 07/2010 Fellowship in Cardio-thoracic Anesthesiology from Emory University Medical Center, Atlanta, GA

Licensure and Certification

N/A American Board of Anesthesiology, Diplomat of the ABA of Not Specified
N/A American board of anesthesiology, Speciality certification in Critical Care medicine of Not Specified
2010 - 06/2020 American Board of Echocardiography, Special Competence in Advanced Perioperative Transesophageal Echocardiography (2010-00022268)
06/2010 - 06/2014 Tennessee medical license, Medical License of Tennessee (46094)

Academic Appointments

07/2008 - 07/2009 Instructor in Anesthesiology, Department of Anesthesiology, University of Alabama Birmingham-UAB (Birmingham, Alabama)
07/2010 - Present Assistant Professor of Clinical Anesthesiology, Vanderbilt University (Nashville, Tennessee)

Professional Organizations

American Society Of Anesthesiologist
Society of Cardiovascular Anesthesiologist

Professional Activities

Intramural

10/10 - Present Therapeutic hypothermia, Medicine, Intensive care representative to this group, Physician representative to this group alongwith Dr. Wagner
02/2011 - Present Pharmacy and therapeutics, Pharmacology, represent interest of the Department and the hospital to the P and T committee. Full voting member., Anesthesiology representative
01/2012 - Present ICU Ultrasound, Anesthesiology, Developing standardized ultrasound curriculum for Intensive Care Fellows and Anesthesiology Residents

Teaching Activities

N/A	Hemodynamic Echo monitoring: Assessment of LV and RV function and clinical applicability, Simulation center
05/2010 - Present	Lung Isolation in Thoracic Surgery, Instructor
08/2010 - 2011	Perioperative management of Aortic Dissections, Lecture and Group discussion, Fellows lecture room
08/2010 - 07/2011	Postoperative management of Cardiac surgery patients, lecture and group discussion, Fellows conference room
09/2010 - Present	Echo in the ICU
10/2010 - Present	Neuroprotection and Cardiac Surgery
11/2010 - Present	Modes of Ventilation in the ICU and OR
12/2010 - Present	ICU for Cardiac Surgery
02/2011 - 02/2011	Vasoplegia in the Cardiac operating Rooms, Lecture and group discussion
04/2011 - Present	ICU and Cardiac Surgery
05/2011 - Present	ICU and Cardiac Surgery
10/2011 - Present	ICU for Cardiac Surgery
12/2011 - Present	Lung Isolation in Thoracic Surgery
02/2012 - Present	Pulmonary Hypertension
02/2012 - Present	Vasoplegia in the OR and ICU
02/2012 - 02/2013	Vasoplegia in Cardiac surgery, Lecturer, Monthly lecture on Vasoplegia in CT surgery and Critical Care
09/2012 - Present	Echo Bootcamp for ICU fellows, Course Director, Vanderbilt University, Developed a two day course to acclimate and familiarize fellows in the perioperative use of echocardiography and ultrasound for critically ill patients.
12/2012 - 2013	Right Heart Dysfunction in the Operating Room, Lecturer, Lectured for one hour on Right heart failure in the perioperative environment
01/2013 - 01/2013	Medical Student UImmersion COurse: Management of valvular disorders, Lecturer, Vanderbilt University, Taught A small group case based one hour lecture on valvular abnormalities

Other Significant Activities

02/2012	Blood conservation in the ICU: Developed evidence based approach to Factor VIIa utilization and product management. This has led to the dramatic reduction in the utilization of Factor VIIa with a cost savings of about half a million dollars in factor VIIa alone.
07/2012	Course director for Critical Care fellows rotation in Ultrasound/echo: Developed syllabus, course and lecture series for ICU fellows to become proficient in the use of Cardiac, thoracic and ocular ultrasound.
11/2012	Extra-Corporeal Life Support Course : Veno-venous ECMO Course for adult Respiratory failure
01/2013	Medical director of Clinical Perfusion- Vanderbilt University: Clinical Director of Perfusion- Act as a liaison for perfusionist and help to develop protocols for ECMO and transfusion services for VHI

Honors / Awards

2003	Alpha Omega Alpha Honor Society
2004	Top Ten Teacher of the Year Award, Department of Anesthesiology UAB

Publications

Non-Peer Reviewed Publications

Abstracts

- Costello W, Billings F, Bick J, **Kennedy J**, Wagner C. Transesophageal Echocardiography as a Hemodynamic Monitor in Post Operative Cardiac Surgery Patients. 2011 Oct.

Research Articles

1. **Kennedy JD**, Sweeney TA, Roberts D, O'Connor RE. Effectiveness of a medical priority dispatch protocol for abdominal pain. 2003 Jan;89-93. PMID: 12540150.

Book Chapters

1. Wagner, Ashby, Kennedy. Anesthesiology: A comprehensive Review for the Written Boards and Recertification Edited by Kai Matthes, Richard Urman, and Jesse Ehrenfeld . 2012 Nov;Chapter 20.

Presentations

Invited Presentation - Regional

1. Tennessee perfusionist society. Nashville, Tennessee. 2011 Sep 24; Colloids vs. Crystaloids in Cardiac surgery.

Internal Grand Rounds

1. Grand Rounds Department of Anesthesiology. Nashville, Tennessee. 2013 Feb 1; Perioperative management of Right Ventricular failure.

Presentations at Scientific Meetings

1. Costello, Bick, Wagner, Billings, ASA-SOCCA, American Society of Anesthesiologist; Chicago, Illinois. 2011 Oct; Transesophageal Echocardiography as a Monitor in Post Operative Cardiac Surgery Patients.